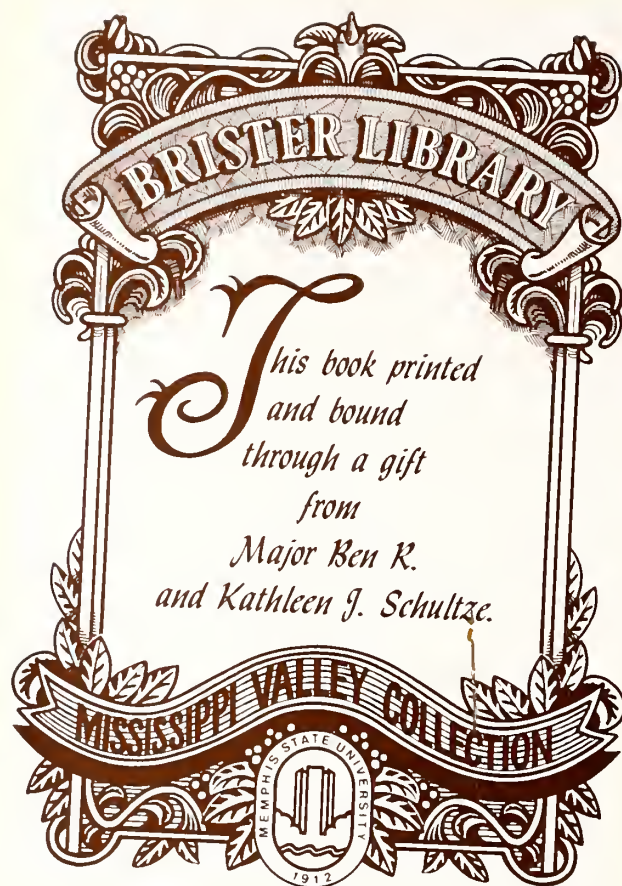


RECENT TENNESSEE  
POLITICAL HISTORY  
INTERVIEWS WITH  
JUDGE GEORGE MCCANLESS

BY CHARLES W. CRAWFORD  
TRANSCRIBER - BETTY WILLIAMS  
ORAL HISTORY RESEARCH OFFICE  
MEMPHIS STATE UNIVERSITY



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RECENT TENNESSEE POLITICAL HISTORY  
INTERVIEWS WITH JUDGE GEORGE MCCANLESS

DECEMBER 11, 1981  
APRIL 9, 1982

BY CHARLES W. CRAWFORD  
TRANSCRIBER - BETTY WILLIAMS  
ORAL HISTORY RESEARCH OFFICE  
MEMPHIS STATE UNIVERSITY





McCarless.

MEMPHIS STATE UNIVERSITY  
ORAL HISTORY RESEARCH OFFICE

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PLACE Nashville, TN

DATE April 9, 1982

✓ George F. McCarless  
(Interviewee)

Charles W. Crawford  
(For the Mississippi Valley Archives  
of the John Willard Brister Library  
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For information  
contact  
Miss M. J. [unclear]

Chicago, Illinois  
January 15, 1964  
Dear [unclear]:

Thank you  
for [unclear]

Yours  
[unclear]



THIS IS THE ORAL HISTORY RESEARCH OFFICE OF MEMPHIS STATE UNIVERSITY.  
THIS PROJECT IS "RECENT TENNESSEE POLITICAL HISTORY." THE PLACE IS  
NASHVILLE, TENNESSEE AND THE DATE IS DECEMBER 11, 1981. THE INTERVIEW  
IS WITH JUDGE GEORGE F. McCANLESS. THE INTERVIEW IS BY DR. CHARLES W.  
CRAWFORD, DIRECTOR OF THE MEMPHIS STATE UNIVERSITY ORAL HISTORY RESEARCH  
OFFICE. TRANSCRIBED BY BETTY WILLIAMS. INTERVIEW I.

DR. CRAWFORD: Judge McCanless, I think we ought to start  
with a little information about you so that  
people who use this later would know who you are and why you know the  
things you do. You might start with something about when and where  
you were born and something about your family.

JUDGE McCANLESS: I was born in Morristown, Hamblen County,  
East Tennessee, June 8, 1904. My mother and  
my father both were born in Morristown. My father's mother and her  
people had lived in upper East Tennessee for many, many years. I was  
educated in the public schools of Morristown and at the McCallie School  
in Chattanooga.

DR. CRAWFORD: When did you go to the McCallie School in  
Chattanooga?

JUDGE McCANLESS: I went from the fall of 1919 until my grad-  
uation in 1922. I entered Vanderbilt Univer-  
sity in the fall.



DR. CRAWFORD: In '22, sir?

JUDGE McCANLESS: Yes sir, and was graduated with a degree of Bachelor of Arts in 1926 and Bachelor of Law in 1928. In those days you combined the courses and (would) be given the two degrees in six years. After that I went to Morristown, my home, and entered the law office of Judge Ernest R. Taylor who had been my father's [law] partner, and continued in that office until...

DR. CRAWFORD: That would have been 1926, wouldn't it sir?

JUDGE McCANLESS: Nineteen hundred twenty-eight.

DR. CRAWFORD: Twenty-eight. Yes sir.

JUDGE McCANLESS: In 1937 Governor Hill McAlister appointed me to fill the vacancy in the office of Chancellor of the Thirteenth Chancery Division. The vacancy had been created by the death of our Chancellor, James L. Drinnon. I served in that office for a little over 19 months. I did not seek reelection. I am a Democrat and the division is heavily Republican.

DR. CRAWFORD: In Hamblen County?

JUDGE McCANLESS: In Hamblen and the counties of Greene, Cocke, Jefferson, and Sevier, and Blount.

DR. CRAWFORD: Did you enjoy your judicial service then?

JUDGE McCANLESS: Yes sir, I enjoyed it. It was good experience for a young man. I was 33 or 34 years old and it was a great experience for me.

DR. CRAWFORD: It was unusual to get that so early, wasn't it?



JUDGE McCANLESS: It was. I had not thought I'd serve, or occupy a public office anymore. Previous to that, I had been City Attorney of Morristown for four years and had been Chairman of the Board of Education for awhile. But I had thought I wouldn't hold public office anymore and devote myself to practicing.

DR. CRAWFORD: Well, it is hard to try to get private practice and public office at the same time.

JUDGE McCANLESS: In April of 1939, after my term of office as Chancellor had expired in the previous August, Governor Prentice Cooper appointed me Commissioner of Finance and Taxation. The name by which the office now is known as Commissioner of Revenue of the State of Tennessee.

DR. CRAWFORD: Let's see, you were a Democrat. Had your family been Democratic in Hamblen County?

JUDGE McCANLESS: Yes sir, my family had always been Democrats. I came on to Nashville and served in the cabinet of Governor Prentice Cooper as Commissioner of Finance and Taxation. The rest of his term which expired in January of 194...

DR. CRAWFORD: In '41? Let's see, you went in in '39?

JUDGE McCANLESS: Thirty-nine.

DR. CRAWFORD: The elections were in even-numbered years.

JUDGE McCANLESS: That's right.

DR. CRAWFORD: And the change would be in January following.

JUDGE McCANLESS: Yes. I served in his cabinet and in that of Jim McCord's for I remained with Governor McCord



a little over a year and a half. I returned to Morristown to practice law again.

DR. CRAWFORD: Why did Governor Prentice Cooper select such a young man from East Tennessee to be Commissioner, Judge?

JUDGE McCANLESS: I suppose it was partly because he wanted a balanced cabinet. I know he took some pride in stating sometimes that he had one commissioner from each congressional district of the state. There were 10 congressional districts--one of us lived in each district.

DR. CRAWFORD: What did you find Nashville to be like when you first became commissioner in 1939?

JUDGE McCANLESS: What do you mean?

DR. CRAWFORD: How large was the city at that time?

JUDGE McCANLESS: I am not sure that I find it much different from what it is now and what it had been before my student days. Of course, it had gotten larger all the time. It has changed a good deal now from 1939, which after all has been 42 years.

DR. CRAWFORD: That's a lot of time Judge. Well, you have seen state government change a good deal. What was the cabinet and administration like under Governor Prentice Cooper? It must have been much smaller than it is now.

JUDGE McCANLESS: It was much smaller. The Department of Finance and Taxation was located in the War Memorial





Building and in that same building--the north wing of it--were located the Department of Agriculture, Department of Personnel, The Highway Patrol, and the Confederate Pension Board.

DR. CRAWFORD: That was still active, I suppose?

JUDGE McCANLESS: We just had an enormous number of files, not very much work. In the same building were then the Railroad and Public Utilities Commission now known as Public Service Commission, the Department of Education, and the Department of Highways and Public Works. The head offices of all those departments were in the War Memorial Building. The building was finally vacated a few years ago to be taken over by the Legislature. It was completely filled with the personnel of the Department of Revenue and they occupied a good part of another building.

DR. CRAWFORD: Approximately how many employees did you have in the department when you came in as a commissioner?

JUDGE McCANLESS: I think there may have been a few more than 150 but not many. That includes those in the field and those located in the division offices in Chattanooga, Knoxville, and Memphis.

DR. CRAWFORD: And what was it called exactly then?

JUDGE McCANLESS: The Department of Finance and Taxation. That title originated with the reorganization bill that was enacted during the first administration of Governor Austin Peay. Then that department had included the Highway Patrol, the Budget and other



functions which later were transferred to other departments and which were not in the department when I was in it. We did have in those days, as soon as the Alcoholic Beverage Law became effective which was in July of 1939, sole control and administration of that activity. There was no sales tax then. Now, I think the department has over a thousand people in it--I don't know how many.

DR. CRAWFORD: Of course, the sales tax came under McCord.

JUDGE McCANLESS: Yes sir, I helped W.F. Barry who was Solicitor General in the Attorney General's office. I helped him write the Sales Tax Act after I had left the office of Commissioner.

DR. CRAWFORD: When did you meet Governor Prentice Cooper?

JUDGE McCANLESS: I think I met him when he was campaigning for governor. I didn't know him well.

DR. CRAWFORD: That would have been in 1938?

JUDGE McCANLESS: Yes sir.

DR. CRAWFORD: When he was campaigning against Browning?

JUDGE McCANLESS: Yes sir.

DR. CRAWFORD: Had you supported Governor Cooper in the campaign?

JUDGE McCANLESS: Yes sir, I had voted for him. I had not been particularly active.

DR. CRAWFORD: Did you move to Nashville when you took the position?

JUDGE McCANLESS: Oh yes, I had to. I lived in a rented house--



the same house for seven years. You could rent houses in those days. I think I paid \$55.00 a month for the house. The salary of trial judges was \$5,000 a year when I served as Chancellor.

DR. CRAWFORD: It is different now, isn't it?

JUDGE McCANLESS: Yes. And the salary was \$416.66 a month. Every third month you got an extra penny. It all added up to \$5,000 a year. There was no income tax on state salaries then. When I became Commissioner the salary still was \$5,000 a year but there had to be a tax paid on it, but not very much. The salary was increased from time to time while I held the office and I don't remember how high it was when I left, but dollars bought a great deal more than they do now.

DR. CRAWFORD: They certainly did in the late thirties.

JUDGE McCANLESS: I remember that W.D. Hudson (Pete Hudson) was a member of the Public Utilities Commission and he went off of Railroad and Public Utilities Commission. He went to the War and when he came back he told me that he believed that our currency would be so inflated that the value of a dollar would be about the same as an English shilling, which was about a quarter. I believe his prediction has more than fulfilled.

DR. CRAWFORD: It has, it took awhile; but it has been.

JUDGE McCANLESS: Yes sir, I have found that it has been.

DR. CRAWFORD: How did the cabinet function under Governor Prentice Cooper? Did you meet frequently with him regularly?

JUDGE McCANLESS: I believe we met every week. Then on Mondays





we had lunch together, I believe. I don't know if it was regularly every week but it was about that often. We met in what is now the governor's office in the capital. It was then the cabinet room.

DR. CRAWFORD: Where was the governor's office then?

JUDGE McCANLESS: It was on the same side as that room where the governor's desk now is toward the front of the building.

DR. CRAWFORD: What happened usually at your Monday lunches?  
Were they business?

JUDGE McCANLESS: Not often--not usually business, but they were social. If you wanted to bring up something you could, but most of us, I think, preferred to transact our business with the governor with him in his office. We didn't go to his office to see him unless we had something important to talk to him about. We didn't visit him socially. He didn't like that.

DR. CRAWFORD: He was not married at the time?

JUDGE McCANLESS: No, no.

DR. CRAWFORD: Did he have his parrot at the time?

JUDGE McCANLESS: Oh I think so.

DR. CRAWFORD: Laura or whatever.

JUDGE McCANLESS: Laura was her name. I've seen his parrot. The parrot should never have been the political issue, and it wasn't except that Joe Hatcher made it one. (Laughter) There's a lot of stories about the parrot. There's a lot of stories that you can



tell about Prentice Cooper. He was a great governor. He was a conservative man. He believed in getting a full dollar's worth for every taxpayer's dollar that was spent.

DR. CRAWFORD: He was totally honest, wasn't he?

JUDGE McCANLESS: No question about that. I suppose that I gained more of my attitude toward government from him than all the other influences combined. He was a bright man.

DR. CRAWFORD: He had been to Harvard, hadn't he?

JUDGE McCANLESS: He had been to Vanderbilt two years as an undergraduate and then graduated from Harvard Law School. He was well educated and he was a strong-minded man.

DR. CRAWFORD: What do you mean a "strong-minded man"?

JUDGE McCANLESS: I mean just that. He wasn't iffy. When he made up his mind, it was made up fully and strongly.

DR. CRAWFORD: I suppose people didn't try to get him to change his mind then?

JUDGE McCANLESS: Not often. It didn't do too much good. I thought a great deal of him. He gave us all a hard time. We knew who was in charge and he was very difficult sometimes but we remained friends. When I became Attorney General later, he would come to see me and just drop in to visit with me. He and I remained friends until his death.

DR. CRAWFORD: Let's see, he went to Peru for awhile as an ambassador, didn't he?



JUDGE McCANLESS: Yes, that was after his term of office as governor had expired. I think it was President Truman who was president of the United States when he went to Peru.

DR. CRAWFORD: Yes, I believe he would have been after he went out of office in 1945.

JUDGE McCANLESS: Yes.

DR. CRAWFORD: I have been to their home and know Mrs. Hortense Cooper.

JUDGE McCANLESS: Oh yes. Had he married a long time after he came back from Peru? I don't remember when he married, but it was very late in life. He had three sons, you know.

DR. CRAWFORD: One, I think, might be getting ready to enter a political race this year. I have been reading about it.

JUDGE McCANLESS: I have too. I've met those boys but not lately. When I was appointed Attorney General and took office in September 1954, Governor Cooper brought his oldest boy who was still very young then to visit me my first day of office. He came all the way to Nashville from Shelbyville just to see me. I was always grateful for that attention.

DR. CRAWFORD: Well, he was a person who remembered things.

JUDGE McCANLESS: Yes, he did. I've noticed in later years he never missed a funeral of one of his friends if he was where he could attend. He was very attentive to his obligations of every kind.



DR. CRAWFORD: Of the members of the cabinet some are always more memorable than others. Excluding yourself, who were the most memorable ones to you in this Cooper cabinet?

JUDGE McCANLESS: Well, I suppose that while they weren't members of the cabinet, John W. Harton, who was state Treasurer and Bain Stewart, who was Personnel Director, were very interesting. And there was Clarence Phillips, who was Commissioner of Highways and Public Works for ten years. He was in office from the first day that Governor Cooper took office until the end of the McCord term. He was a very competent man.

DR. CRAWFORD: Some of these were older men who had seen a lot of Tennessee politics, weren't they?

JUDGE McCANLESS: Well, Clarence Phillips was about ten years older than I was. He'd been in the first World War. He had served as County Judge of Bedford County for awhile before he became Commissioner. Then there was Dr. Carter Williams, who was Commissioner of Public Health, and later was succeeded by Dr. R.H. Hutchinson. They were very active and competent.

DR. CRAWFORD: Were there any cabinet members that Governor Cooper relied on more for political advice?

JUDGE McCANLESS: Well, he didn't rely on me because I hadn't had much political experience. I think he relied on John Harton and Bain Stewart a good deal. I'm not sure he relied on any cabinet member to any extent. I don't know that he did.





DR. CRAWFORD: How were his relations with the newspapers?

JUDGE McCANLESS: The Tennessean was against him.

DR. CRAWFORD: And the Banner was probably for him, I guess.

JUDGE McCANLESS: Yes, I think that was it, but he was opposed at every turn by the Tennessean. Joe Hatcher was their political correspondent and I think he took particular delight in anything he could write that would be annihilatable to Cooper. (Laughter)

DR. CRAWFORD: How did Governor Cooper react to those criticisms?

JUDGE McCANLESS: Remarkably! I think he didn't react much.

I remember one time he had taken a trip during the war in an automobile and had used gasoline that had been designated for military or official purposes or something of the sort. And every morning for a week the Tennessean had a Hatcher column, a newspaper article with big headlines and an editorial denouncing him for his use for his trip.

DR. CRAWFORD: Well, as for official use, he was the highest official in the state.

JUDGE McCANLESS: And he was never really criticized by the Federal agency that had investigated it. I remember after the whole week we had a cabinet meeting and I wondered if he had known of that. I wondered if he had seen the paper because he was in a very happy frame of mind and said he wanted to see me, and I went to his office with him. I had something to handle that was delicate. I have forgotten what it was. And he told me to be careful and not to get into such a mess that he had gotten into.



DR. CRAWFORD: With the paper.

JUDGE McCANLESS: And I didn't realize until that moment that he was aware of the mess that he was in. He was a very calm man when he wanted to be. I think that Dr. Hutchinson expressed it very well once when he said, "Cooper had a low boiling point." He was a very high tempered person when he wanted to be. But I think he would turn it off and turn it on whenever he wanted to.

DR. CRAWFORD: He had a reputation for losing his temper but do you think he sort of lost it when he was ready to?

JUDGE McCANLESS: When he needed to. I think he didn't have to. I was fully convinced of that. I am. (Laughter)

DR. CRAWFORD: Did he ever get angry in cabinet meetings?

JUDGE McCANLESS: Oh yes. He had [difficulties with] different ones of us. I remember he told me once that happened. When the thing was over and he had gone and left office, I counted the number of times he had been violent with me. I had been with him almost six years and I counted six. Once a year wasn't bad. (Laughter)

DR. CRAWFORD: Well, some people had more than that, didn't they? Or maybe they just remembered them better.

JUDGE McCANLESS: I don't know. I expect if you multiply six by ten, sixty would be a good many of course. I don't know, but I think that when it was all over that every member of his cabinet or a person who had been a member of his cabinet regarded him



with great affection.

DR. CRAWFORD: Well, they knew that his temper, as perhaps you did, that it wasn't too serious.

JUDGE McCANLESS: Well, he never discharged a commissioner. He could have done it, and he never accused any of us of dishonesty. He had an honest cabinet. There is no doubt about that.

DR. CRAWFORD: Well, perhaps part of that is influenced by the governor. If you have an honest governor, perhaps the cabinet is more likely to be.

JUDGE McCANLESS: I agree with you. The leader of the orchestra has a great deal to do with the performance of the members.

DR. CRAWFORD: He sets the tone, I suppose.

JUDGE McCANLESS: I believe so.

DR. CRAWFORD: Did he travel actively around the state in his work as governor?

JUDGE McCANLESS: Yes, he did and he encouraged us to travel too, and we did.

DR. CRAWFORD: Why did he think you should do that?

JUDGE McCANLESS: Well, he felt that people had a right to see and know the people that they had entrusted with the responsibility of government. And I think he was right about it.

DR. CRAWFORD: What kind of public speaker was he?

JUDGE McCANLESS: He was not an eloquent man. He didn't project





well, but what he said made a great deal of sense. When he addressed a group after you left you knew what he had in mind--what he had told the gathering.

DR. CRAWFORD: Did he prepare his own speeches?

JUDGE McCANLESS: Oh, I think for the most part he did. I remember once after an inauguration he had, I think Hilton Butler had written his speech, he had become dissatisfied with it and, I believe, wrote his own. I asked Hilton the next afternoon if he had written the governor's speech and he said, "Only part of it." 'Ladies and Gentlemen' and 'I thank you'. (Laughter)

DR. CRAWFORD: Not the middle part of it! (Laughter)

JUDGE McCANLESS: No.

DR. CRAWFORD: What was Hilton Butler's position then?

JUDGE McCANLESS: Oh, Hilton had different positions. He was for a long time head of the Highway Patrol.

He was an old newspaperman though. He was a good writer so the Governor used him a good deal. But he was head of the Highway Patrol for a long time.

DR. CRAWFORD: That's interesting. The head of the Highway Patrol has not always been a good writer, you know.

JUDGE McCANLESS: No. But Hilton had been reporter for, I think, The Commercial Appeal. One of the Memphis newspapers.

DR. CRAWFORD: I believe so.



JUDGE McCANLESS: I think he was a native of Mississippi. I don't know. Poor Hilton is dead, you know.

DR. CRAWFORD: I had understood that.

JUDGE McCANLESS: I am getting to the time of life that most of my friends are dead. That is very distressing to have to think of that.

DR. CRAWFORD: I am sure it is, but it is good to be around, Judge McCanless, when you think of the alternative. Did Prentice Cooper speak much when he traveled around the state?

JUDGE McCANLESS: Oh I think he did on occasion. He would be invited to make speeches, but no great big speeches. He was no orator at all. He wasn't a Bob Taylor or a Jim McCord. Now Jim McCord loved to speak and he was good--much better than Prentice Cooper. I don't say this in any sort of reflection of Governor McCord but he would make a most eloquent speech but afterwards you wondered what he had talked about. You didn't know.

DR. CRAWFORD: But isn't that true about a lot of politicians' speeches? (Laughter)

JUDGE McCANLESS: I think so. It is quite a gift!

DR. CRAWFORD: Well, if you don't say anything it is hard to get into trouble.

JUDGE McCANLESS: It won't embarrass you, but I remember going with him after I'd left office. He made a speech in Morristown and one in Dandridge and one in Greenville. And I



was with him on those three occasions. He made a different speech every time, all within 24 hours. A good speech--he loved to speak.

DR. CRAWFORD:                   Someone, I believe this was one of the friendly writers of the Banner, said, "Governor Prentice Cooper insulted more people than anyone else to hold the Governor's office."  
(Laughter)

JUDGE McCANLESS:               Well, he was not tactful sometimes and he was inopportune sometimes when he was worried.  
That may account for some of it. I don't know. I remember one time when he was on a trip to the west, a vacation trip largely, and Jim Hardin was his secretary and somehow Jim wouldn't tell where the Governor was. It didn't make any difference. And so Hatcher in his column was making a big project of trying to find out where Cooper was. (Laughter) And he reported that in Tombstone, Arizona, they had reported somebody going up and down the street insulting everybody he met. "Surely he wasn't the Governor?" (Laughter) That was in one of the Hatcher columns. By the way you could find--I don't want to give you too much work to do--but you could find those Hatcher columns during Cooper's administration and find that there were some very clever ironies expressed often.

DR. CRAWFORD:                   Why did the Tennessean not like Governor Cooper?

JUDGE McCANLESS:               I think that the owner of the Tennessean wanted more influence with him than the Governor was willing to give him. I think that was the whole thing.



Of course, Mr. Evans, the owner, was a liberal and one thing he wanted was to repeal the Poll Tax Law. Of course, that was repealed ultimately, but it wasn't repealed when Evans wanted it repealed. Mr. Crump didn't favor the repeal of it and it wasn't repealed then. Evans took out after him.

DR. CRAWFORD: And still didn't get it repealed.

JUDGE McCANLESS: No. It was repealed later but a long time later.

DR. CRAWFORD: This was Silliman Evans?

JUDGE McCANLESS: That's right.

DR. CRAWFORD: Did the Tennessean disapprove of the Governor's connections with Mr. Crump?

JUDGE McCANLESS: Yes, it did. I don't know what convictions were. But the Tennessean was anti-Cooper and anti-Crump.

DR. CRAWFORD: Was the Banner generally favorable to him?

JUDGE McCANLESS: I would say it was generally favorable to him-- yes sir. But not always. I can't give any example when they were against him, but the Banner was not unfavorable to the Cooper administration.

DR. CRAWFORD: Do you remember an incident when the Governor supposedly fired someone working at a toll bridge when he crossed over and collected the toll himself for awhile?

JUDGE McCANLESS: No. The only time I remember a toll bridge incident specifically, was at the bridge across





the river near Paris. There had been a sort of a picnic or party or some celebration over there and he came back and crossed the bridge and a man, the toll collector, didn't ring up the fare but collected the money.

Cooper thought that he stole the money and wanted to fire him. He told me to and so I wrote the papers. It was Saturday and I think I wrote it myself. Anyway, maybe I didn't, but...

DR. CRAWFORD:                   The Governor didn't stay to collect the money himself, did he?

JUDGE McCANLESS:               Oh no. He paid the money and he thought that the collector had embezzled it. It was fifty cents. It happened that this collector, as those people always did almost, had good connections and they rose up. I sent a man to investigate. It, as I remember it, was toward the end of a shift and the man was tired and sleepy and maybe he did wrong. I think we maybe suspended him for a few days or something of that sort, but he didn't lose his job. I don't remember the thing clearly now. It wasn't a big thing, but the poor collector was well connected politically and his friends rose up. (Laughter)

DR. CRAWFORD:                   Well, state office holders, I suppose often were.

JUDGE McCANLESS:               Yes, they were.

DR. CRAWFORD:                   You know that would make it hard to make a change.

JUDGE McCANLESS:               Yes. I was glad when the bridges were free.

DR. CRAWFORD:                   About when did they close the last toll bridge?

JUDGE McCANLESS:               It was right toward the last of my service, I



think. The tolls from the bridges were security for the payment of bonds to build those bridges. There was some question about the right to free the bridges. My idea was if we would pay the bonds out of other money we could suspend the collection of the tolls until there was a default in the payment of the interest or principal on the bridge bonds. That appealed to the governor and such an act was passed. I believe this was just before I left. I'm not sure whether Governor Cooper or Governor McCord was in office then. But we freed the bridges.

DR. CRAWFORD: Well, I am sure people were grateful when that happened.

JUDGE McCANLESS: Oh yes.

DR. CRAWFORD: Do you remember anything about his campaigns for reelection? I know he ran again in 1940.

JUDGE McCANLESS: He ran three times, and was elected three times. You see, you ran in '38, '40, and in '42. Isn't that right?

DR. CRAWFORD: Yes. I believe he is the only governor in the 20th Century who has served three consecutive terms. Frank Clement served three terms.

JUDGE McCANLESS: But they weren't consecutive.

DR. CRAWFORD: Yes sir. Well, that's quite a record.

JUDGE McCANLESS: Yes, and that last election...













JUDGE McCANLESS: Well it can be, but sometimes they don't.  
But I remember that and you do too.

DR. CRAWFORD: Yes sir. And I am glad that they did end  
on good terms. I know that there was some  
bitterness in the first campaign, at least in 1938.

JUDGE McCANLESS: Oh yes. I remember when I became Attorney  
General I saw Governor Browning at picnics  
in Jackson and I said to him once, "Why don't you come to see us in the  
Attorney General's office?" I said, "Well, you know you have friends  
there." I said, "I am one of them." He said, "I'll be in Nashville soon  
and I'll come to see you." He was there the next day!

DR. CRAWFORD: That was soon!

JUDGE McCANLESS: We went up to capital together. He said,  
"Well, I have to go. I have to get my car."  
I said, "Where is your car?" He said, "It's in the parking garage." I  
said, "From now on you park the car behind the Supreme Court Building."  
He said, "Can I do that?" I said, "As long as I am Attorney General you  
can." And it wasn't more than three or four days after that that I think  
he came back and parked behind the Supreme Court Building. And as long  
as he would come to Nashville he would park behind the Supreme Court  
Building and seemed to appreciate the privilege very much.

DR. CRAWFORD: Well, ex-officials should have some privileges,  
and I was well pleased with the way they attended  
to him in his later years. They had a highway patrolman looking after him.



JUDGE McCANLESS: And one looked after Governor McCord-- Trabue Lewis.

MRS. McCANLESS: Well, when Kennedy was here didn't you say there were three governors all riding in the car in the procession?

JUDGE McCANLESS: Yes, all three of them rode together.

DR. CRAWFORD: Which three would that be, Mrs. McCanless?

MRS. McCANLESS: They had been at Vanderbilt.

JUDGE McCANLESS: I guess so. They had been to the stadium for Kennedy's speech and then out to the Governor's mansion. I had lunch with the President that day. I was on a different floor, (Laughter) but I was there.

MRS. McCANLESS: I remember that you said all three were in the same car.

JUDGE McCANLESS: They got along all right together. They all worked together to get the Act passed to get them a pension.

DR. CRAWFORD: I remember. I've heard Dick Barry talk about that.

JUDGE McCANLESS: Yeah, they said, "Wasn't it nice of Governor Cooper to help Governor Browning and Governor McCord get a pension." Well, yes, it was all right. It was helping Governor Cooper too.

DR. CRAWFORD: It helped all three of them.



JUDGE McCANLESS: And Governor Cooper wasn't a poor man, but he could always use another dollar.

DR. CRAWFORD: Well, let's see. That would have been in the 1960's, would it? Or the 1950's?

JUDGE McCANLESS: It was when Kennedy was here and spoke in the stadium.

DR. CRAWFORD: That would have been in the '60's then.

JUDGE McCANLESS: I guess it was.

DR. CRAWFORD: For he was elected in 1960 you know.

JUDGE McCANLESS: Well, it had to be in the '60's.

DR. CRAWFORD: Well, I had heard people mention this trip. I think I had heard Mrs. Ellington mention the time that he came.

JUDGE McCANLESS: I met the President out at the mansion. Governor Clement. . .who was in office at that time?

DR. CRAWFORD: Clement was in. . .

JUDGE McCANLESS: Frank Clement was governor then at that time.

DR. CRAWFORD: Clement was elected in '62 so it might have been.

MRS. McCANLESS: His last term.

DR. CRAWFORD: Yes, that would have been his last term.

JUDGE McCANLESS: Yeah.

DR. CRAWFORD: Well, let's see the election. Who ran against



him in the election of 1940? That would have been the first one after you entered the cabinet. Did Browning run against him again? He had been defeated in '38 I know.

JUDGE McCANLESS: I don't know. You'll have to look that one up. (Laughter)

DR. CRAWFORD: Well, whoever was running obviously didn't have much chance.

JUDGE McCANLESS: He got beaten.

DR. CRAWFORD: Because I don't think anyone could have beaten Prentice Cooper with Mr. Crump behind him too.

JUDGE McCANLESS: Well, Prentice Cooper had a hard time that last election. He lost Middle Tennessee pretty heavily, you know, and picked up East Tennessee and West Tennessee enough to win.

DR. CRAWFORD: What gave him trouble then?

JUDGE McCANLESS: Well, he had been governor for four years and he was not a personally popular man.

MRS. McCANLESS: Well, he didn't carry his own county.

JUDGE McCANLESS: No, he lost his own county of Bedford that year. Oh, he ran against this man. Who was it he ran against? But he won by a squeak. I know driving back from East Tennessee that night, the radio indicated that it was very close indeed. But he got enough votes in East Tennessee and West Tennessee to win.

MRS. McCANLESS: It wasn't Bass, was it?





JUDGE McCANLESS: No.

DR. CRAWFORD: Not that early. Ross Bass would have been very young.

JUDGE McCANLESS: No no, he wasn't in it. Ross Bass was in the army then I guess.

DR. CRAWFORD: At his age I think he would have been.

JUDGE McCANLESS: And I think he was. He was in the Second World War.

DR. CRAWFORD: Was the problem that he had been in office so long that people thought he had been there long enough?

JUDGE McCANLESS: Well, he was not popular. He was a commanding figure. He didn't win friends as rapidly as he needed to.

MRS. McCANLESS: Getting married helped him a lot. It really did soften him up.

DR. CRAWFORD: Would it have helped in his administration if he had been married and had someone to campaign with him and be at the governor's mansion?

JUDGE McCANLESS: I don't think that would have made much difference.

DR. CRAWFORD: Did his parents live there part of the time?

JUDGE McCANLESS: Part of the time. His father was a very strong man, a very able man. His mother was a very



pleasant lady. I suppose his hostess was his mother. Prentice Cooper was Prentice Cooper. He was a fairly young man, I suppose he had somewhat a feeling of insecurity at times. Anyway, he didn't shake hands firmly and he was just not a commanding personality. I think that hurt him.

MRS. McCANLESS: He didn't have any small talk at all.

JUDGE McCANLESS: Very little.

DR. CRAWFORD: He was not a large person?

JUDGE McCANLESS: No, he was slight. He was a little man physically. I suppose he was about five feet seven or eight.

DR. CRAWFORD: Well, he was really a contrast to some larger more outspoken people who held the office. Frank Clement, for instance.

JUDGE McCANLESS: Frank Clement was a very handsome man with an engaging personality. Buford Ellington was a man of stature. I think it helps to be physically big.

DR CRAWFORD: Judge McCanless, let's just explain more about that?

JUDGE McCANLESS: He was known to be a man of fine mind and character, I think his character had more to do with it than anything else.

DR. CRAWFORD: Those were certainly assets--his mind and his character, his education and...



JUDGE McCANLESS: He was a very conservative man financially.

State government was just coming out of the depression, you know, and times were still hard till the war come on.

DR. CRAWFORD: Well, people wanted someone who could handle their money carefully.

JUDGE McCANLESS: I think that's right. I know how he felt about money because I was collecting the taxes.

(Laughter) I had to show some results. It was a great experience to be in that administration.

DR. CRAWFORD: Well, you certainly got a good start.

JUDGE McCANLESS: I remember that Tip Taylor drove me home one day and he was terribly worried because he wasn't going to have enough money to finish out the year at the penitentiary. He was Commissioner of Institutions. That included the insane asylums, and the reform schools and penitentiaries. The next day he went to see the Governor and we could almost literally feel the earth shake. He told the Governor that if he didn't have 75,000 dollars more he would have to close the penitentiary.

DR. CRAWFORD: Well, how did the Governor react to that one?

JUDGE McCANLESS: Well, they found the money and transferred it from the insane asylums. I think Dr. Hawk had enough money out at Central State. He was very careful and very frugal. The explanation of that was that the prison industries had been established in the latter part of the Browning administration and in preparing the budget



it was to be frugal. The prison people had been assured that they could make enough money out of the new equipment to put in the new system that they wouldn't need very much more appropriation. Well, it didn't turn out that way. Those predictions were overly optimistic. So Tip had to have some more money. But he was given a hard time. We had a special cabinet meeting that day. Poor Tip was sitting over there in the corner shaking and he wanted to know if any of the rest of us were in that shape? And we weren't. And Tip left later to be General Sessions Judge in Madison County. Tip Taylor was 27 years old when he took office as Commissioner of Institutions. The statute at that time required that Commissioners be thirty years old.

DR. CRAWFORD: I was thinking it did. How did they get around that?

JUDGE McCANLESS: Mr. Crump was supposed to have said that William Pitt the younger was only 20 or 21 when he was Prime Minister of England. So Tip had to wait just a little while till they changed the law. The law on account of Tip Taylor is now that a commissioner has to be 25 years old. So sometimes the person has a lot to do with a passage of a statute. That ought to be called the Tip Taylor Law. (Laughter) Of course, Andrew "Tip" Taylor, Judge Andrew T. Taylor has for many many years now been a Circuit Judge in Madison County and a very distinguished member of the Judiciary.

DR. CRAWFORD: But he got his start in state government there?

JUDGE McCANLESS: Yes sir. I remember he said to me one day a few years ago we were talking about old





times--he asked me if I would be willing to serve as one of Prentice Cooper's commissioners again, and I said, "I didn't believe I wanted to." He said, he didn't either. (Chuckle)

DR. CRAWFORD:                   Why did he not want to? Did the governor give him a hard time?

JUDGE McCANLESS:               Oh, a very hard time indeed! He resigned a year or two after that. He stayed on awhile.

MRS. McCANLESS:               Didn't he have some connection with Ollie, Tip?

JUDGE McCANLESS:               Well, he was in the Second World War.

MRS. McCANLESS:               Well, I know, but I mean wasn't he an adjutant?

JUDGE McCANLESS:               No. He wasn't. He was Commissioner of Institutions.

MRS. McCANLESS:               Well, I know, but I mean between.

JUDGE McCANLESS:               No, that is all that he ever did. He went to Madison County to be judge of the General Sessions Court.

DR. CRAWFORD:                   And evidently. . .

JUDGE McCANLESS:               He had been established. Well, he went to the army and came back and was appointed to the Public Service Commission. And he was elected to it. I reckon he was appointed, I don't remember how that was. But he served on it and became a Circuit Judge and has been a Circuit Judge for I suppose, something like thirty years.

DR. CRAWFORD:                   He is certainly well established in Madison



County.

JUDGE McCANLESS: Oh yes. Tip Taylor is a great person.

DR. CRAWFORD: What about one of your other fellow commissioners that you served with for awhile? What do you remember about Estes Kefauver at that time?

JUDGE McCANLESS: Well, I succeeded Estes Kefauver.

DR. CRAWFORD: Let's see. Had he left when you got there? Or did he stay for a transition period?

JUDGE McCANLESS: No, he resigned and I took his place.

DR. CRAWFORD: So he was gone when you arrived.

JUDGE McCANLESS: Oh I knew him. He came back to visit and he surprised me. He knew the people in the department a great deal better than I did. I don't see how he got acquainted with them in such a little while.

DR. CRAWFORD: He was great at getting to know people.

JUDGE McCANLESS: Oh, he was indeed.

DR. CRAWFORD: I know he was a handshaker and a very good speechmaker too.

JUDGE McCANLESS: Well, there was a man that had a personality that projected. You wanted to help him some how. He was a little bit timid. Apparently, he wasn't timid, but he gave you that impression. [You] sort of wanted to help him through you know.

DR. CRAWFORD: Was Frank Clement a little like that?

JUDGE McCANLESS: I don't believe so.

DR. CRAWFORD: Frank Clement didn't seem to need help.



JUDGE McCANLESS: No, he didn't need much help. Frank was a great speaker. He knew how to pitch his voice. His timing was good. I noticed this when Frank stayed with his speech that somebody else may have written for him he did well. But when he digressed and improvised and ad-libbed he was at his best. He was a great speaker.

DR. CRAWFORD: He should have done that more.

JUDGE McCANLESS: He couldn't have done it much more. (Laughter)  
He didn't miss any opportunity that I ever knew.

DR. CRAWFORD: Well, I only remember hearing him a little, but I knew he was extremely good.

JUDGE McCANLESS: Oh yes. I remember once, I was a member of the Building Commission when I was Attorney General and Frank was a good politician. We were doing some work at Central State Hospital. It involved laying some lines under the ground. He said that for his purposes he needed something to show above the ground. However beneficial the laying of the pipe was, it didn't do him any good politically. (Laughter)

DR. CRAWFORD: Did you travel very much with Governor Cooper, Judge?

JUDGE McCANLESS: Not much. I remember going up to Cookeville with him once. Then, when he was running for office, I don't know whether it was the second or third time, I went with him up in East Tennessee. I remember on that occasion that he expressed his--it was a hot day, a very hot day--yet he was expressing his satisfaction



with the two-term office of governor. I thought if anybody should want a longer term that it would be he, but he believed in the two-term governor because it was closer to the people.

DR. CRAWFORD: For frequent reelections.

JUDGE McCANLESS: For frequent reelections.

DR. CRAWFORD: But he made it three times.

JUDGE McCANLESS: I wish he hadn't run and been defeated.

Let's see, he ran for the Senate a few years afterward I know--I was Attorney General then and not in office--and lost out. I believe he ran for the Senate, didn't he?

DR. CRAWFORD: I think so. Why do you think he lost?

JUDGE McCANLESS: Well, people didn't want him.

DR. CRAWFORD: He'd been out of politics too long?

JUDGE McCANLESS: Well, yes and people just didn't want him.

It sort of like--somebody said, "That's why a candidate got beat--he didn't get enough votes!" That was it. He didn't have enough people wanting him. While he was my friend Governor Cooper never was a popular man.

DR. CRAWFORD: Well, I have not been able to understand this.

It seems that he wasn't personally, but his mind and his integrity must have been real assets. He didn't seem like a politician.

JUDGE McCANLESS: Well, he had a lot of very serious people like him and were for him. But now the common run of people, he didn't attract them.





DR. CRAWFORD: Well, he definitely was not a common person himself?

JUDGE McCANLESS: No, he wasn't. He was not a common person. And I use that word as it sometimes is used in East Tennessee in the country. I've heard a lot of people speak of a man with regular respect as "He is just as common as he can be." And they would mean that he is one of us, he is a common ordinary friendly person. And he wasn't. He was, you might say, an aristocrat.

MRS. McCANLESS: We always thought he was kind of sissy when he was growing up.

JUDGE McCANLESS: She knew him when she was raised right here in Nashville, you know.

MRS. McCANLESS: I would go to Shelbyville to the dances.

DR. CRAWFORD: You were familiar with him before he became governor, Mrs. McCanless?

MRS. McCANLESS: Right. We would go to dances and he'd have a silk handkerchief he'd always have on. To put between you and him, at the back.

DR. CRAWFORD: Now what was that?

MRS. McCANLESS: A silk handkerchief.

DR. CRAWFORD: My goodness!

MRS. McCANLESS: Yes. He was very formal. (Laughter) He was always very polite, but he never acted like, you know, you never did live up that way. He would always dance with you,



at least twice, and that was kinda it. He never was particularly popular growing up in Shelbyville.

DR. CRAWFORD:                   You know that is what seems very strange to me that he was elected as governor, for usually a governor needs to be someone that appeals to the common people.

JUDGE McCANLESS:               That's right.

DR. CRAWFORD:                   And seems natural and is not aristocratic. Voters as a rule do not like that. So how do you explain his being so successful?

JUDGE McCANLESS:               Well, he wasn't successful except when he got elected three times.

DR. CRAWFORD:                   Of course, that is sort of unusual. The only person in the twentieth century to have three consecutive terms.

JUDGE McCANLESS:               I know. But I feel that the state was really deprived when they lost his services. But when he got through being governor he was through. He didn't know he was through. In the spring of 1954 he was very much interested in running for governor again. I went to West Tennessee with him. I don't know why he took me. It looked like sometimes he'd pick rather strange friends to go with him. I went and we spent the night in Union City. We went around to see people and he had a list, you know. Well, the difference between--that had been a decade had passed since he had been governor.

DR. CRAWFORD:                   Frank Clement had come to power since then.

JUDGE McCANLESS:               Well, yeah and his old friends were just. . .



You know, when a man ceases to be governor, he can't do for you or against you any more. You find out sometimes that your friends aren't really so very close anymore.

DR. CRAWFORD: You know, I was talking to a man who was state Democratic Party Chairman once who said, "I don't even know who my friends are any more."

JUDGE McCANDLESS: I think that's right.

DR. CRAWFORD: But political machines or organizations, it seems to me, don't last very long after a person they support is gone. They break up.

JUDGE McCANDLESS: No, no. That organization in Memphis dissolved very quickly after Mr. Crump died.

DR. CRAWFORD: To have held as much power as they did it did not last after his death at all.

JUDGE McCANDLESS: Of course, Senator Kefauver didn't destroy the Crump machine. He damaged it, but it was powerful until Mr. Crump died. It still ran Shelby County. I don't know how long. If Mr. Crump had lived, I believe it would not have lasted much longer because things had changed a good deal.

DR. CRAWFORD: Well, the place had grown.

JUDGE McCANDLESS: Strange people had come in.

DR. CRAWFORD: I think up until about World War II everyone just accepted that Mr. Crump was the "Boss".

A lot of new people came then who weren't really convinced. It didn't become apparent until Kefauver ran in 1948 three years after the war.



JUDGE McCANLESS: Well, just after Senator McKellar had been defeated I went to Memphis and I talked that day with John Heiskell who was District Attorney General down there then and very active in the organization. He told me that the trades people were moving into Memphis and it took them about two years to understand the workings of the organization. That they were inclined to be against it when they came in so I think that must have been true.

I was at Mr. Crump's funeral.

DR. CRAWFORD: In October of 1954.

JUDGE McCANLESS: I never expect to go to a funeral of a king, but I believe that was about as near that experience that I could have. I went with Francis Andrews who was a lieutenant of Mr. Crump's. We neared Mr. Crump's home and we met an old lady. Francis Andrews knew her and almost everybody and this lady said "Oh Francis, what is going to happen to us now?" The world had come to an end, you know.

DR. CRAWFORD: Mr. Crump had been running everything for almost fifty years.

JUDGE McCANLESS: And Mr. Crump ran it well. He ran a good government.

DR. CRAWFORD: What was good about it? People now have trouble understanding that sometimes, Judge?

JUDGE McCANLESS: Well, it was efficient and orderly, and economical.

DR. CRAWFORD: Was it generally honest?

JUDGE McCANLESS: I think it was.

DR. CRAWFORD: So far as I can tell it was. Mr. Crump just





didn't allow crooked people to hold office while he was in charge.

JUDGE McCANLESS: No. Now I was Commissioner of Finance and Taxation or Revenue for 7 years and four months. And during all that time I never had a member of the organization to try to influence me on any tax decision--not once. I never went to Memphis--and I went often--that I didn't go by the Court House to try to see Mr. Will Hale.

DR. CRAWFORD: E.W. Hale was a leader in the machine too.

JUDGE McCANLESS: He was Chairman of the County Commission I think. I didn't see him every time I was there, but I never went by his office and visited with him that he didn't give me something--a good thought to take away. He was a great man.

DR. CRAWFORD: So far as I know he served very willingly in the Crump organization. I think he had his own political base in Whitehaven, but participated very willingly. He was a strong leader and I don't think he was ever as dependent on Mr. Crump as some of the people were.

JUDGE McCANLESS: He ran the Court House, I think. The offices there were his primary political responsibility.

DR. CRAWFORD: The county side of government for it certainly isn't metro now, you know.

JUDGE McCANLESS: Oh no.

DR. CRAWFORD: What was Francis Andrews like?

JUDGE McCANLESS: I liked Francis. Mr. Crump liked to have second



men in the departments. I had a Memphis man as Assistant Commissioner, Sy Hendley. Francis Andrews was Assistant Purchasing Agent. He was a good efficient, able man. He had been very well to do and I think he had lost his fortune largely, but I liked him very much. He was an able, sincere person.

DR. CRAWFORD: What about the Shelby County legislative delegation in Crump's time? What kind of people were they?

JUDGE McCANLESS: They were all right. They knew how they were going to vote always.

DR. CRAWFORD: Well, Francis Andrews was the one for awhile who told them.

JUDGE McCANLESS: Well, Will Gerber, you know.

DR. CRAWFORD: Well, Mr. Rice, before him.

JUDGE McCANLESS: But I never knew Mr. Rice. Mr. Rice had died the year before I came to Nashville. I think he had died in the latter part of 1938. Oh, they would meet in Mr. Crump's office. I met Mr. Crump. I never saw Mr. Crump, but twice. I saw his office. He had a board room just like a Board of Directors. It was a big long table. The legislative delegation met there every week end before they would come back to Nashville.

DR. CRAWFORD: And also I believe they had morning meetings, while they were in session up here,

JUDGE McCANLESS: I never knew that, but I guess they did.

DR. CRAWFORD: Where they would talk over legislation for the day.



JUDGE McCANLESS: They voted as a unit except when it was expedient for them not to. They were all organization people.

DR. CRAWFORD: What sort of occasions would it be expedient for them not to?

JUDGE McCANLESS: Well, I don't know, but I think they had Strawberry Act build-up in the Senate once and I don't think they thought anything much about it, but it was controversial so one voted against it and one voted for it and the other one passed or something.

DR. CRAWFORD: What sort of bill was that?

JUDGE McCANLESS: The Strawberry Bill, I don't know what it was!  
(Laughter)

DR. CRAWFORD: I hadn't heard of that one. That's one thing in Tennessee history I hadn't heard of. (Laughter)

JUDGE McCANLESS: I think it was the Strawberry Bill. Blane Maxwell was speaker of the Senate and he died--killed in an airplane. I saw him the day he was killed. I spoke to him as he was leaving the capital, and we knew each other. And he got on a plane that night and it fell. It got iced up and it fell and he was killed. Blane Maxwell was a very capable man.

DR. CRAWFORD: I think in general people who worked in that together were capable.

JUDGE McCANLESS: There is no doubt about it.

DR. CRAWFORD: I have talked with some people who were in the



legislature, during this period. One was Senator Jim Cummings, you remember.

JUDGE McCANLESS: Oh yes. He was from Woodbury.

DR. CRAWFORD: Yes, he was from Woodbury. He was on the other side in a number of things, but he certainly ..

JUDGE McCANLESS: He understood them. He had that stripe himself, you know. (Laughter)

DR. CRAWFORD: They understood one another. They might have been opponents, but they understood one another.

JUDGE McCANLESS: There's a story about Jim Cummings. We got to be friends. I remember he supported a bill that

I very much wanted when I was Commissioner and saved the bill. I told Governor Cooper that I was going to write Senator Cummings a letter and thank him and he said, "No, let's don't write him, let's wait till you see him and thank him orally." (laughter)

DR. CRAWFORD: He didn't want you to write him.

JUDGE McCANLESS: I said all right. Somebody said about Jim Cummings one time. "How many farms has he got anyway?" (Laughter) How many times has he been in the legislature?

DR. CRAWFORD: He was in a lot of times. He served longer than any other person.

JUDGE McCANLESS: Yes sir. Longer than anybody. Longer than any other person in the General Assembly.

DR. CRAWFORD: I talked with him and got a lot of his account





of things about two years before he died.

JUDGE McCANLESS: Well, I got to be very friendly with Senator Cummings, particularly in the late years. I like him a lot.

MRS. McCANLESS: Well, Miss Esther was a great help to him.

JUDGE McCANLESS: What?

MRS. McCANLESS: His wife, Miss Esther.

JUDGE McCANLESS: Oh yes, no doubt about it.

DR. CRAWFORD: He was very popular at home of course. I suspect Mrs. Cummings helped him there for you know he was elected time after time, finally retiring voluntarily. I don't think he ever lost.

JUDGE McCANLESS: Oh yes. Pete Haynes from Franklin County and he fell out with Mr. Crump. I don't know when but a way back before I came up here. He fought the administration. I was here in the summer in the Hermitage Hotel. The Constitutional Convention was going to convene and Prentice Cooper wanted to be president of it and was.

DR. CRAWFORD: That was in '53.

JUDGE McCANLESS: Yes, I believe. I was sitting there in the Hermitage Hotel talking with him. He said, "Now I've got to see my campaign manager, Pete Haynes." That shocked me, but Pete Haynes was managing his campaign to be the president of the Constitutional Convention. Prentice Cooper had told him to stay away from Nashville while he was governor. Haynes and I got to be friends. He told



me that and said that he did. Never came around him while he was governor.

DR. CRAWFORD: Well, Governor Cooper did not mind threatening people, did he?

JUDGE McCANLESS: Well, he just told him not to come around him. I know I first told him, I said, "I thought you had horns." He said, "No, no, I'm reliable."

DR. CRAWFORD: I suspect he was reliable.

JUDGE McCANLESS: He was, oh yes.

DR. CRAWFORD: I suspect he was reliable, because he was a very strong leader.

JUDGE McCANLESS: He was and a very skillful man. He was a good lawyer and he knew legislative procedures as well as I suppose anybody that has ever served up there.

DR. CRAWFORD: Well, he had been there long enough to have great experience, as Jim Cummings had. Now three of the rural members worked together, didn't they? I believe the paper here called them, "The Unholy Trio", Cummings, Haynes and Beasley?

JUDGE McCANLESS: Oh yeah. I. D. Beasley. Beasley was a very attractive man--a mimic but he didn't have the ability that Haynes and Cummings had. I don't know. I don't want to be unfair to him.

DR. CRAWFORD: One did have a great deal of ability as a mimic?

JUDGE McCANLESS: Now that was Beasley. I D. Beasley. I've heard a lot of stories about him.



DR. CRAWFORD: Could he really talk like someone else?

JUDGE McCANLESS: And did. Over the phone. See, Jim Cummings had a brother too at Murfreesboro. He was a lawyer up there. He looked a little like him and talked like him. I've met him but I didn't know him well.

DR. CRAWFORD: Could I.D. Beasley even fool the Governor? I've heard that he did.

JUDGE McCANLESS: I never heard of that. Clarence Cummings was Jim's brother's name. He talked just like Jim. He would call up and say he was Jim and give some wrong instructions-- wrong information. It was just a prank.

DR. CRAWFORD: I don't suppose you were along with Governor Prentice Cooper when he was on the way back from East Tennessee and met the highway worker up there where you were close to I.D. Beasley's.

JUDGE McCANLESS: No, I wasn't with him but I've heard that. I was here.

DR. CRAWFORD: What was it that happened in that case? Several people have mentioned it.

JUDGE McCANLESS: The story as I remember it was that he came to this place where the road was blocked. And he wanted to go through anyway and the guard wouldn't let him. He explained that he was Governor of Tennessee and this guard said, "Why if you were I.D. Beasley you couldn't come through here." (Laughter)



DR. CRAWFORD: Now that was Governor Prentice Cooper?

JUDGE McCANLESS: That's right. Haven't you heard that story?

DR. CRAWFORD: Several people mentioned that story. But no one seemed to know that I've talked to.

JUDGE McCANLESS: No one was with him--he was alone. Nobody was with him. Prentice would drive around by himself.

MRS. McCANLESS: Tell him about going to the fraternity house at U.T.

JUDGE McCANLESS: Oh well that...

DR. CRAWFORD: Were you with Governor Cooper then?

JUDGE McCANLESS: Oh I was with him then. I had to talk to the supervisor of my Knoxville office, about something but somehow I didn't want to talk in the office there because I didn't want anybody else to hear it. There was another lobby there in the Andrew Johnson Hotel. I didn't know Governor Cooper was in Knoxville, but he was. I met him in the lobby of the Andrew Johnson. This is one thing that I know about him. He was a lonesome man. He wanted company. He'd been invited to the fraternity house--Kappa Alpha-- for lunch. A Shelbyville boy was chairman or president of the chapter. He asked me to go with him. Since I was asked I agreed. He said, "Meet me here at 12 o'clock." Sergeant Jackson [of the Tennessee Highway Patrol] was there, and he told Jackson to find out where the KA house was. He didn't know. Well, at the appointed time I was back and Cooper came in and we went out and got in





the car and started out Clinch or Cumberland. And we went a little further than Cooper thought we ought to go and he said, "Sergeant, I told you that I don't know where the Kappa Alpha house is. I told you to find out. We're headed for Nashville. Turn to the left." It was at a big circle or whatever it was. I don't think it is that way any more.

DR. CRAWFORD: On the campus?

JUDGE McCANLESS: No. Just right of of...(END OF TAPE)

(CONTINUED OF NEW TAPE)

[Governor Cooper] said, "By God! Sergeant of the Highway Patrol, lost." He said, "I told you to find out where the Kappa Alpha house is, that I didn't know." He said, "Stop the car." Jackson came down on the brakes. "Go to that house and ring the door bell and a kind lady will come to the door. Tell her that you are a sergeant in the Highway Patrol and by God you are lost, and where is the Kappa Alpha house?" (Laughter) And the Sergeant went up the steps (a long flight of steps) and sure enough a lady came to the door and Cooper turned to me and laughed and that's when I knew that he could turn it off and on. He said, "I'm a little hard on Jackson," but said, "every night he has to take the car off to have it prepared." and says, "the next morning there's about another 100 miles on the speedometer." Yes, Jackson came and went right back across the street again to the KA house. But that happened just about that way.

DR. CRAWFORD: And he was angry at the Sergeant, but he was able to...

JUDGE McCANLESS: But he just tied into him.



DR. CRAWFORD: It was just the way he did things.

JUDGE McCANLESS: Jackson is dead. I liked Jackson. Jackson became a commander of the patrol finally. He stayed on a long time. But he told me this. That Governor Cooper sent him out to the mansion. Now the mansion is about between 21st and 22nd. Just across from Kirkland Hall where it used to be. He sent Jackson out on an errand to get something. Or Jackson went out. I don't know the circumstances. He went in the house and was about to leave and the parrot was there--Laura. He (the parrot) says, "'Hello, Slim,' that's what Jackson said." And Jackson cussed the parrot. And about that time Cooper appeared and cussed Jackson for cussing in front of his parrot. (Laughter)

DR. CRAWFORD: Teaching the parrot bad language!

JUDGE McCANLESS: Yeah That's about it.

DR. CRAWFORD: That was a talking parrot.

JUDGE McCANLESS: Yeah. A beautiful parrot.

DR. CRAWFORD: I've heard from Brainard Cheney about that.

JUDGE McCANLESS: Well, the Tennessean would use any means to embarrass Cooper when he was running for office.

They would have a picture of him with Laura on his shoulder.

DR. CRAWFORD: Now that wasn't a photograph, was it? That was a cartoon or something.

JUDGE McCANLESS: No, it was a photograph. It was a doctored picture.

DR. CRAWFORD: Oh yes.

JUDGE McCANLESS: You know how you can do things. It was like



there was something wrong with a man who has a parrot. Well, no, lots of people have pets.

DR. CRAWFORD: Well, it is sort of traditional in Tennessee though that the governor has a good looking dog--not a parrot. That would help with the voters, you know. The parrot wouldn't. Not many people in Tennessee keep parrots.

MRS. McCANLESS: There's another thing about that era. Sarcasm was priceless. If you could make real good sarcastic remark you had made a mark. And I think this was carried through a lot in politics at that time particularly around Cooper.

DR. CRAWFORD: Well, that has changed some, hasn't it?

MRS. McCANLESS: Yes.

JUDGE McCANLESS: You know back when the Tennessean was on the administration so long--it was about six years--and Hatcher's column would have information that we wondered how in the world it got in there, you know. There were some leaks from cabinet meetings and things of that sort. So if Hatcher didn't deride one of us every once in a while we felt that we would be suspect. We never knew where he got his information, but he got it. We suspected but we neverknew. We always thought Brother Harris gave it to him. We didn't know.

DR. CRAWFORD: Was Harris one of the Commissioners?

JUDGE McCANLESS: No, he was an executor of the budget. I think they called him that.

DR. CRAWFORD: Well, a good reporter often has sources. Joe Hatcher had been around for a long time.



JUDGE McCANLESS: Oh yes. And then too he--I wouldn't say he manufactured things--but he wouldn't mind exaggerating.

DR. CRAWFORD: Mr. Crump wrote him some very bitter letters I think.

JUDGE McCANLESS: I know it. I remember Sam Farr got up and denounced Rice on a point of personal privilege and denounced Hatcher in the Legislature. (Laughter)

DR. CRAWFORD: Who was this?

JUDGE McCANLESS: Sam Farr. He was a Representative from Shelby County. (Laughter)

DR. CRAWFORD: Well, I'm sure Joe didn't mind that kind of publicity.

JUDGE McCANLESS: No, no. Those were pretty bitter days. Of course, there were Republicans then, but the Legislature was so apportioned that the fight was always between factions of the Democratic Party. It's different now.









THIS IS THE ORAL HISTORY RESEARCH OFFICE OF MEMPHIS STATE UNIVERSITY.  
THIS PROJECT IS "RECENT TENNESSEE POLITICAL HISTORY." THE PLACE IS  
NASHVILLE, TENNESSEE AND THE DATE IS APRIL 9, 1982. THE INTERVIEW IS WITH  
JUDGE GEORGE F. MCCANLESS. THE INTERVIEW IS BY DR. CHARLES W. CRAWFORD,  
DIRECTOR OF THE MEMPHIS STATE UNIVERSITY ORAL HISTORY RESEARCH OFFICE.  
TRANSCRIBED BY BETTY WILLIAMS. INTERVIEW # III

DR. CRAWFORD: Judge McCanless, what do you remember about  
your accounts of the Civil War told by  
your father? You might have heard them from your uncle.

JUDGE MCCANLESS: It was his Uncle Joe--a favorite relative  
of his. He told me about the battles and  
the experiences. For instance, when the weather was cold and it snowed on  
them, the snow seemed to warm them.

I asked Mr. Horn (Stanley Horn) about that and he said he had heard  
the same story from most sources.

My father was not a person who was deeply interested in history. He  
used to mention the Civil War to me and I think most of his information came  
from this old uncle of his.

DR. CRAWFORD: That was the one that was Jerome Bonaparte



McCanless--called "Joe".

JUDGE MCCANLESS: Yes, sir.

DR. CRAWFORD: Do you know how old "Joe" was when the war started?

JUDGE MCCANLESS: He was in his early thirties, I think.

DR. CRAWFORD: Now he enlisted in, was it the Third Tennessee Regiment?

JUDGE MCCANLESS: The Third Tennessee Regiment and was made sergeant and after he was exchanged he became First Lieutenant. He died in 1906.

DR. CRAWFORD: And you were born in 1904, weren't you?

JUDGE MCCANLESS: I was born June 8, 1904.

DR. CRAWFORD: Well, Judge, this portrait you have over your chair in your study of the famous rooster, Jake Donelson. Was Jake taken by your uncle or your great uncle when he went into service?

JUDGE MCCANLESS: Now my understanding is that he bought the rooster from somebody who came through the camp--at training camp--I think it was called Fort Trousdale, north of Nashville somewhere. He made a pet of it. When Uncle Joe was captured at Fort Donelson and all the Confederates were captured except those of General Forrest got out. He took Jake with him and according to the account of the occurrence that appeared in 1889, I think, of the Confederate Veteran--I read it in the library years ago--when they marched through the streets



of Chicago Jake was riding on the shoulder of Uncle Joe screaming in defiance to the Yankees. (Laughter) Mr. Horn never thought much of that story. Mr. Horn was a historian, probably not an oral historian anyway.

DR. CRAWFORD: He might have thought the rooster was just crowing.

JUDGE MCCANLESS: He thought the stories had gotten pretty tall by 1889! And they had. (Laughter)

DR. CRAWFORD: And they did an article about Jake the Rooster in the 100th year anniversary of Donelson?

JUDGE MCCANLESS: I think that story was in the Nashville paper but I have forgotten which one. I don't remember just now what was said in that story. But there was also a magazine published in Pennsylvania about that time called The Civil War Times.

DR. CRAWFORD: Yes sir.

JUDGE MCCANLESS: I have a copy of one issue of that that has a picture of Jake in it. A picture of me too, I think.

DR. CRAWFORD: About that time?

JUDGE MCCANLESS: I was overweight more then than I am now. Yes.

DR. CRAWFORD: About 1862 then?

JUDGE MCCANLESS: Whenever it was. It was about that time.

DR. CRAWFORD: Because it fell in February of '80.

JUDGE MCCANLESS: Eighteen sixty-two, that's right. I had a picture of Uncle Joe. I lent it to the





Superintendent of Fort Donelson. And there was a man with a very violent beaver beard and had a sign by Uncle Joe's picture, "Jake's Master". I think Mr. Horn doesn't think much of that when we saw it there. We had a joint meeting of the Tennessee Historical Society and the West Tennessee Historical Society and we met at Fort Donelson and there it was. And Mr. Horn, I don't think approved of the exhibit. (Chuckled)

DR. CRAWFORD: Well, he probably preferred a more serious history.

JUDGE MCCANLESS: Oh yes. I think so. Mr. Horn was a man of excellent humor though.

DR. CRAWFORD: That's a humorous incident.

JUDGE MCCANLESS: That's right. You never have found an extra copy of your biography of Mr. Horn, have you?

DR. CRAWFORD: I have not sir. It is out of print, however, Charlie Elder, if you don't mind paying Charlie's prices, gets them in now and then.

JUDGE MCCANLESS: Now what does he want for one?

DR. CRAWFORD: I don't have any idea. I never know till I ask at Charlie Elder's.

JUDGE MCCANLESS: I know. That's one store I'm afraid to go in to tell you the truth because I know it will cost me money.

DR. CRAWFORD: And you know that you are likely to want something that he has in there.

JUDGE MCCANLESS: Bound to.



DR. CRAWFORD: It's a dangerous place to go, but it is the best store in Tennessee as far as I know to find historical books.

JUDGE MCCANLESS: There used to be an old store here and I've been into it back in my early student days. I don't know why, but I have--Hunter's. It was about where the Life and Casualty Building is now. That was a good book store--big mass of old books.

DR. CRAWFORD: I think I've heard about that from Mr. Horn. It seems like he used to spend his lunch hours there back about 1908 or something like that.

JUDGE MCCANLESS: He maybe did. I have one valuable old book. My grandmother gave it to me--my mother's mother. And her brother gave it to her as a present. It's called Life As It Is. Have you ever heard of it? Want to see it?

DR. CRAWFORD: No sir, never.

JUDGE MCCANLESS: Do you want to see it?

DR. CRAWFORD: Yes. It looks like a very old one. The Date in the flyleaf of Life As It Is [is] April 13, 1875, publication date, 1842. Now let's see...

JUDGE MCCANLESS: Now it was given to my grandmother in 1875. This brother was maybe twelve or thirteen...

DR. CRAWFORD: This must be a very rare book. Life As It Is or Matters and Things in General contains among other things historical sketches of the exploration of the first set-



tlement of the state of Tennessee and manners and customs of the inhabitants, their ways with the Indians and the Battle of King's Mountain, [and] history of the Harpe's two noted murderers. (Chuckle) [It is] a satirical burlesque about the practice of electioneering, legislative and ecclesiastical incidents, descriptions of natural curiosities, a collection of anecdotes and so forth.

JUDGE MCCANLESS : I don't see how they could put so much in a small book.

DR. CRAWFORD: Well, most of it was taken up in the Table of Contents, by J W.M. Brazilae.

JUDGE MCCANLESS: But my aunt gave me that book during her lifetime--my mother's sister.

VOICE: Have you read it?

JUDGE MCCANLESS: Oh yeah.

DR. CRAWFORD: I have not read it. I think it is very rare.

JUDGE MCCANLESS: I know it. I've heard that it is worth \$500 or \$600. It is very rare.

DR. CRAWFORD: What you might do, if you wanted to go on a publishing venture, you could reprint that one.

JUDGE MCCANLESS: It's in the public domain of course. If there ever was a copyright, it has long expired.

DR. CRAWFORD: Well, that has been a hundred forty years ago, I believe since the date of publication.



JUDGE MCCANLESS: Yes.

DR. CRAWFORD: You know every now and then the Tennessee Historical Society prints old works. I don't know if that would reduce the price of this one or not.

JUDGE MCCANLESS: I wouldn't mind if it was of some use to somebody. You say that it is 1840 or something?

DR. CRAWFORD: Forty-two, I believe.

JUDGE MCCANLESS: You know that there are some of the things published in the Historical Quarterly are very interesting and some are not. There's an article in this last one that the men's section of old Nashville which has lasted till prohibition has gone out---the famous saloons, the Southern Turf, Climax and Utopia on what is now Fourth Avenue from Church Street to Union. A lady wouldn't go on that street ever, no matter what escort. It just wasn't done!

DR. CRAWFORD: I saw that article but I haven't read it yet.

JUDGE MCCANLESS: It just wasn't done. Well, read it. Now there's an article, I think that is a rather biased story about Fort Negley here in Nashville.

DR. CRAWFORD: I saw that.

JUDGE MCCANLESS: It is written by a colored man. You'd think it is a monument to the Negro race.

DR. CRAWFORD: That may be the man at Tennessee State. I don't know. He's written several.

JUDGE MCCANLESS: I don't know where he is now or not. I've got it right here. Let's see. Yes, he is





the acting chairman of [the] Department of History.

DR. CRAWFORD: Yes, I thought that would be the author.

And you've heard by way of your great uncle's account that the soldiers would be warmer when it would snow? I suspect it is true. I have an account from my great grandfather saying the same thing that waking up some morning feeling very warm and his blanket was covered with another insulating blanket of snow.

JUDGE MCCANLESS: Mr. Horn confirmed that he had heard that too. Of course, Mr. Horn was the ideal subject for oral history because he didn't forget anything. I was interested in knowing how he wrote his books. He went to the Peabody Hotel and got a room and wrote his books there. He had his notes with him.

DR. CRAWFORD: He would do his research, take his material and his typewriter and suitcases and go for about two weeks and not call anyone whom he knew. For this was a way to get work done, and he would get the book written that way.

JUDGE MCCANLESS: Mr. Horn was not a college man as you know, but he was Phi Beta Kappa as you know. My son says that it's just opposite from me.

DR. CRAWFORD: You graduated from college, but you are not Phi Beta Kapp. (Laughter) Mr. Horn was not an ordinary person any way you look at it.

JUDGE MCCANLESS: Poor Mr. Horn, I guess that is one thing that spurred him on. He felt that he wasn't



well educated and he was much better educated than most of us.

DR. CRAWFORD: He was one of the best educated men in the state of Tennessee, and he had one of the finest libraries.

JUDGE MCCANLESS: Yes. Did you know that Mrs. Horn died recently?

DR. CRAWFORD: Judge Williams told me.

JUDGE MCCANLESS: She was Judge Williams' sister. You know that. You wrote the book.

DR. CRAWFORD: Yes sir. I'm sorry to hear that. Somehow I had not gotten the news about it and I did not know.

JUDGE MCCANLESS: Well, I have a friend at Morristown that is a little older than I and was in Nashville and knew him. Mr. Diehl died, a former banker here, I wrote this friend and sent him a copy of the newspaper because he might not have heard it for a long time you know. (Reminiscing) I knew him slightly but not well.

DR. CRAWFORD: Did you hear anything else, especially stories about the Civil War?

JUDGE MCCANLESS: Yes, they fired too high and in the summer-time the leaves would fall from the rifle fire that they were trying to shoot too high perhaps from excitement. But that was one of the failures.

DR. CRAWFORD: Well, that happened usually then, did it?

JUDGE MCCANLESS: I don't know, but I remember hearing about it.



DR. CRAWFORD: Well, I think that there was a lot of over-shooting.

JUDGE MCCANIE SS: Well there was a good deal of firing at will. And I think a good deal of firing was without careful aim.

DR. CRAWFORD: I wouldn't doubt if people were a little nervous to say the least. What about your great uncle after he was released? He was captured and taken to Chicago and what happened to him after he was released, Judge?

JUDGE MCCANLESS: He went with his regiment and fought the rest of the war. He was around Jackson, Mississippi but was not in the siege of Vicksburg. He came back to Chattanooga. I believe he did not get there in time for the Battle of Chickamauga, perhaps was [in] one of the others, I don't know, but he wasn't in it. It was on Lookout Mountain. Mr. Bailes asked him to write me what he remembered of Uncle Joe. Mr. Bailes, himself is now dead, this was ten years ago, I suppose. He said that he remembered Uncle Joe told him that he was on Lookout Mountain and they had to throw rocks down on the Yankees. And if the rocks hadn't given out they would have won the battle.

DR. CRAWFORD: You know I remember something about that. Because they could not depress the cannon enough to make use of it. I had heard something about that.

JUDGE MCCANLESS: I went to school on the battlefield of Missionary Ridge.



DR. CRAWFORD: What was the school?

JUDGE MCCANLESS: McCallie School. Yeah, I am one of the McCallie boys.

DR. CRAWFORD: That's an old school.

JUDGE MCCANLESS: Not very--about 1905. Baylor is the oldest school. Roy Baylor came to Chattanooga and organized Baylor School and Dr. J.P. McCallie was one of the Baylor boys. Dr. McCallie went to school at the University of Virginia. Roy Baylor was a Virginia man and from that time on Chattanooga boys were inclined to go to college at the University of Virginia. A good many of them have done it.

DR. CRAWFORD: The influence he had.

JUDGE MCCANLESS: That's right. I graduated from McCallie School--goodness--has it been sixty years?

DR. CRAWFORD: They'll probably remind you and you'll get an invitation to an alumni meeting.

JUDGE MCCANLESS: I get invitations all the time to contribute. Let's see, it has been sixty years. It will be in June. I'm elderly--I get a 10 percent discount at Arby's.

DR. CRAWFORD: I don't know about being elderly. I don't think it depends on age. Certainly after talking to Judge Williams and hearing him play the organ.

JUDGE MCCANLESS: Judge Williams and Mr. Horn are exceptions. Judge Schriver was ninety the other day.





Of course, he finally retired. He retired two years ago in June. They had to give him an office up there in the Supreme Court Building. They had a little party for him. They knew his birthday and he was ninety. He didn't like it because he didn't want any mention made of his age. He's still sensitive about it. He's a remarkable man too.

Judge Schriver is somebody you would be interested in interviewing.

DR. CRAWFORD: You know I'd be glad to.

JUDGE MCCANLESS: You know he was on the Court of Appeals a long time and Chancellor before that and he is from Wartrace. He came to Nashville I suppose in the early twenties. He practiced law here. Governor Cooper appointed him Chancellor and Governor Clement appointed him to the Court of Appeals and he was elected several times.

DR. CRAWFORD: Can you give me the way to spell his name Judge McCanless?

JUDGE MCCANLESS: Thomas A. Shriver, S-H-R-I-V-E-R. He lives on B-O-N-N-E-R. Let me get the phone book and I'll give you his number.

DR. CRAWFORD: What was his middle name?

JUDGE MCCANLESS: A.

DR. CRAWFORD: All right.

JUDGE MCCANLESS: I stayed on in the office as Commissioner of Finance and Taxation for about a year and a half in the administration of Governor Jim McCord.



DR. CRAWFORD: After the Prentice Cooper administration.

JUDGE MCCANLESS: He just succeeded Governor Cooper you see.

Then I resigned because I began to realize that if I was going to practice law I had better get at it again. So I resigned and went back to Morristown the first of September, 1946. I never intended or expected to hold any office any more. I practiced there with my former partner who was the son of my father's partner who had started me off and I continued in practice there until the death of Roy A. Beeler, B-E-E-L-E-R, who was the Attorney General. The Supreme Court elected me to succeed him in September of 1954.

DR. CRAWFORD: That was on the Supreme Court?

JUDGE MCCANLESS: No, I was elected by the Supreme Court.

In our state by a provision of the Constitution the Attorney General is elected for a term of eight years by the Supreme Court. I was Attorney General for 14 or 15 years. Wait a minute, let me figure at a little. From '54 to '69--that's fifteen years.

DR. CRAWFORD: That was an unusually long tenure for that office, wasn't it?

JUDGE MCCANLESS: It wasn't as long as General Roy Beeler's.

He served a little bit longer than that, I think. The term of office was for eight years. For you see, I was elected for I was on the Supreme Court.

DR. CRAWFORD: For Governor Ellington had appointed you there.

JUDGE MCCANLESS: And that appointment was good for a year.



Then I had to be elected by the people. Charlie Galbreath ran against me and I had to go all over the state in a hot summer in a little Dodge that wasn't air conditioned, but I got elected. So I served the rest of my term and by the time that term was over I was seventy years old and the demand for my services were very slight at that time. So I became Sarah's yard man.

DR. CRAWFORD:                               Instead of going back into private practice at seventy?

JUDGE MCCANLESS:                           I didn't have a private practice to go back to.

DR. CRAWFORD:                               I suppose most of them had grown up and moved away by then?

JUDGE MCCANLESS:                           I go back to Morristown now and walk down Main Street and I see very few people I know. I've been away for 27 years.

DR. CRAWFORD:                               Do you still see people you know?

JUDGE MCCANLESS:                           Not often, I have some relatives, however. My sister died, but she had a son and he has some children. I've got some friends there, but not many.

DR. CRAWFORD:                               Well, your home is Nashville, now, isn't it?

JUDGE MCCANLESS:                           I've been in Nashville a long time. Sarah is all Nashville. She and her parents were born here. She's happy here. She was happy in East Tennessee, but she really belongs here.

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DR. CRAWFORD: This seems more appropriate for you.

JUDGE MCCANLESS: Well, I can walk down Church Steret now  
and I can see some people I know, but [if]

I walk down the Main Street in Morristown I might not. I wrote to a  
friend up there this morning, but I don't communicate very much.

DR. CRAWFORD: Well, Judge, let me ask you about your  
period after you left Nashville and went  
back. What relationship did you have with Governor McCord? Did you see  
him often after you left and went back? I know he kept you on as Commis-  
sioner for a while.

JUDGE MCCANLESS: No, I continued to have the office of Com-  
missioner until September 1, 1946.

DR. CRAWFORD: That's when you went back to Morristown?

JUDGE MCCANLESS: I went back to Morristown. I told Governor  
McCord in March that I wanted to leave after  
the elections that year. He was reelected. He didn't have any trouble  
about that. I didn't want to leave him before the election though. Then  
I left and went back to private practice. You see, the war was over the  
year before. My partner had been in the army and was back, and we were  
sort of putting things together. If I had stayed I wouldn't have expected  
to do anything else. My folks had educated me with the idea that I would  
practice in Morristown the rest of my life. Instead of that I spent 29  
years working for the state. (Laughter)

DR. CRAWFORD: How often were you in contact with Governor  
McCord after you left? I know you were





here until...

JUDGE MCCANLESS: Not many times. The Sales Tax Statute was passed in the next General Assembly after I left and William F. Barry drafted that Act and asked me to come over and help him. And that was because I had as commissioner known other revenue commissioners.

DR. CRAWFORD: Was this the Barry from Jackson, sir.

JUDGE MCCANLESS: Yes, he was from Jackson, and he was Solicitor General. And he later became general counselor for National Life and Accident Insurance Company. He is dead now. He and I were always good friends and after I became attorney general he was in the attorney general's office a long time. He and Nat Tipson both. He used to come over and see me and just sit and talk. He never tried to tell me how to run the attorney general's office, but when I wanted to ask him things he was always helpful with his advice. I was very fond of him.

Then you asked about Governor McCord. We had one of the big meetings we used to have. I suppose they still do in Morristown--the annual dinner of the Chamber of Commerce. I remember he came to that dinner. I went with him and I heard him speak. The following day he spoke at Dandridge, which is twenty miles from Morristown. I believe at first he spoke at Greeneville that next day. He made three speeches and entirely different speeches and they were all good speeches.

I asked him how he learned to make speeches like that.

I said, "Did you learn it in school?"



In fact, I don't think Jim McCord went to school very much.

DR. CRAWFORD: Just a few years of elementary school,  
I think.

JUDGE MCCANLESS: But he made beautiful speeches. I remember  
I heard someone say that when you heard  
Governor McCord speak, he said those are some of the most beautiful speeches  
I ever heard.

Someone asked me, "Well, what did he say?" And you didn't remember  
anything he had said. Cooper didn't make very good speeches, but he got  
over his point with you and you knew what he was talking about. That  
was the comment that was made to me by someone I've forgotten now.

DR. CRAWFORD: And Governor McCord was a greater orator,  
but he didn't say as much in factual...

JUDGE MCCANLESS: Maybe he was more tactful, I don't know.  
After all a politician wants to be popular,  
but he isn't an evangelist usually.

DR. CRAWFORD: Was Governor McCord's speaking more of the  
evangelistic type?

JUDGE MCCANLESS: Well, he was inspirational I would say.

DR. CRAWFORD: He taught Sunday School a long time, I  
believe.

JUDGE MCCANLESS: I think so. He was a very active Presby-  
terian.

DR. CRAWFORD: Did you get to see him much when he was  
governor and you were commisssioner?



JUDGE MCCANLESS: Oh, I saw him whenever I needed to. I guess after you are commisssioner a few days you realize that you are not needed in the Governor's office very often and it was more comfortable to see the governor as little as possible.

DR. CRAWFORD: You have to go ahead and do your work.

JUDGE MCCANLESS: And try to stay out of trouble.

DR. CRAWFORD: How would you compare him as governor with Prentice Cooper? I know they were different in speaking ability.

JUDGE MCCANLESS: Oh well, I don't want to compare. Governor Cooper was a very strange person--a man of fine mind, excellent education, He was a graduate of Webb School and went two years to Vanderbilt and two to Princeton and then was graduate of Harvard Law School. He was a man of high intellect and was well informed. He was not a person who drew people to him by his personality. He was a man of rather small stature and I think he was conscious of that though I don't think that should affect anyone.

Governor McCord was more outgoing, more personable I would say. Cooper was a strong man, and was very conservative with money. He was careful with his own money. He was very very careful with the state's money. That is as it ought to have been. Governor McCord followed him. Of course, I was with Governor McCord for little more than a year and a half. I was with Prentice Cooper for almost six years. Not quite--I



succeeded Estes Kefauver in April after he had resigned.

Governor Cooper had things in operation when Governor McCord took office. I would say that in the main Governor McCord followed the example of Governor Cooper. The McCord Administration was in many respects a continuation of the Cooper Administration.

DR. CRAWFORD: Well, it certainly continued some of the same personnel.

JUDGE MCCANLESS: Oh yes, as in my case. Clarence Phillips was highway commissioner and he stayed all through the McCord Administration. Of course, there were some changes. Six years is a good while. There were some changes in the Cooper Administration. He never did discharge anybody. Tip Taylor quit and, let's see, Professor Dugan was Commissioner of Education. He was an old man and he left at the end of the Cooper Administration. Of course, Governor McCord selected and the legislature elected--in those days the legislature would elect who the governor wanted to the constitutional offices. Bob Lowell didn't stay as comptroller. Joe Carr stayed on as Secretary of State and John Harton left as State Treasurer. Those offices were not important changes.

I'll say that the highway commissioner was a very important office because after the war when they were building roads again...

DR. CRAWFORD: Federal money available again.

JUDGE MCCANLESS: Spending money again, yes.

DR. CRAWFORD: Why do you think Jim McCord lost in his second attempt to be reelected?

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DEPARTMENT OF CHEMISTRY

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JUDGE MCCANLESS: I don't know. I believe that the Sales Tax Act had a great deal to do with it.

He had sponsored the sales tax. That wasn't popular. Of course, now the sales tax is much greater than it was then.

DR. CRAWFORD: It started out one penny, didn't it?

JUDGE MCCANLESS: I don't remember--it was small, but now it is much larger and you just have to have it to exist, but the people resented it a good deal. Maybe they just wanted a new crowd in. I don't know. Governor Browning had his friends. He won.

I was interested when--I may have told you this and you may know it. When you were on the historical commission, was Governor Cooper a member of it?

DR. CRAWFORD: No, Governor Browning still was. He was gone by that time.

JUDGE MCCANLESS: When I was in the Cooper Administration you just didn't want to say anything favorable about Governor Browning. His name was mud. I found that things change. Politics were bitter. At least I found it was and it was! I found when I came back as Attorney General that Governor Browning and Governor Cooper were friendly. And they were both members of the Historical Commission before I was ever a member of it. You know, they sat together! And if one of them wasn't there, "Where's Governor Cooper?" or "Where's Governor Browning?"

One day I saw Governor Browning at a picnic in Jackson. I said,

THE UNIVERSITY OF CHICAGO

THE DIVISION OF THE PHYSICAL SCIENCES

DEPARTMENT OF CHEMISTRY

RECEIVED

NOV 10 1964

FROM

DR. J. H. GOLDSTEIN

1000 S. MICHIGAN AVE.

CHICAGO, ILL. 60607

TO

DR. J. H. GOLDSTEIN

1000 S. MICHIGAN AVE.

CHICAGO, ILL. 60607

RE: [illegible]

[illegible]

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"Why don't you come and see me sometime? You have friends in the Attorney General's office and I'm one of them." By that time I was mellower too.

"Well," he said, "I may come to see you sometime."

You know he came the next day. I don't know if it had anything to do with it. I took him around and took him up to the Capitol to see Frank Clement, but the governor wasn't in. And he said, "I have to go and get my car."

I said, "Where's your car?"

He said, "It's in the parking garage."

Well, I said, "Whenever you come to Nashville, you park your car back of the Supreme Court Building."

He said, "Can I do that?"

I said, "You can all the time I am Attorney General."

And you know the next time he came back he parked back there. And he was just as pleased as a child at Christmas. I mean like something had been done for him. I thought that was a modest trait. He and I were always on very friendly terms. He and Frank Clement were friendly. Frank gave him a rough campaign you know.

DR. CRAWFORD: In 1952.

JUDGE MCCANLESS: Yes. Beat him you know.

DR. CRAWFORD: Beat him on that hotel deal issue partly, didn't he?

JUDGE MCCANLESS: Yes, that's right. It had more to do with it than anything. I don't know, Frank was a very aggressive, fine campaigner--good politician. You know a politician



has to know what the public wants and give it to them. Frank was a good one for that.

DR. CRAWFORD: Well, you never did much seeking office yourself, Judge.

JUDGE MCCANLESS: I did, when Charlie Galbreath ran against me. I had to.

DR. CRAWFORD: Well, that was your one experience.

JUDGE MCCANLESS: The only experience.

DR. CRAWFORD: But what part did you play in the election of '44 when Prentice Cooper left and Jim McCord came in. Did you take an active part that year?

JUDGE MCCANLESS: You mean '44?

DR. CRAWFORD: Yes.

JUDGE MCCANLESS: Oh, I don't know, I don't think so. No, I didn't have anything to do. I was Commissioner and I had stayed on. I had Mr. Walters as my friend in Morristown, you know and that sort of thing.

DR. CRAWFORD: Hub Walters?

JUDGE MCCANLESS: Yes. I remember going to Memphis. It happened I found out pretty soon whether I was going to stay or not. It was all right. I went to Memphis and I went by to see Guy Joyner. I've forgotten whether or not he was sheriff. I don't know whether he was. I think he was Register of Deeds or something or other (I don't know). We had a little meeting and Sy Henley was my

# 1911-1912

<p>                         Date                     </p>	<p>                         Description                     </p>	<p>                         Amount                     </p>
<p>                         Jan 1                     </p>	<p>                         Balance                     </p>	<p>                         100.00                     </p>
<p>                         Jan 15                     </p>	<p>                         Cash                     </p>	<p>                         50.00                     </p>
<p>                         Feb 1                     </p>	<p>                         Cash                     </p>	<p>                         25.00                     </p>
<p>                         Feb 15                     </p>	<p>                         Cash                     </p>	<p>                         10.00                     </p>
<p>                         Mar 1                     </p>	<p>                         Cash                     </p>	<p>                         75.00                     </p>
<p>                         Mar 15                     </p>	<p>                         Cash                     </p>	<p>                         30.00                     </p>
<p>                         Apr 1                     </p>	<p>                         Cash                     </p>	<p>                         40.00                     </p>
<p>                         Apr 15                     </p>	<p>                         Cash                     </p>	<p>                         20.00                     </p>
<p>                         May 1                     </p>	<p>                         Cash                     </p>	<p>                         60.00                     </p>
<p>                         May 15                     </p>	<p>                         Cash                     </p>	<p>                         15.00                     </p>
<p>                         Jun 1                     </p>	<p>                         Cash                     </p>	<p>                         80.00                     </p>
<p>                         Jun 15                     </p>	<p>                         Cash                     </p>	<p>                         25.00                     </p>
<p>                         Jul 1                     </p>	<p>                         Cash                     </p>	<p>                         90.00                     </p>
<p>                         Jul 15                     </p>	<p>                         Cash                     </p>	<p>                         35.00                     </p>
<p>                         Aug 1                     </p>	<p>                         Cash                     </p>	<p>                         100.00                     </p>
<p>                         Aug 15                     </p>	<p>                         Cash                     </p>	<p>                         40.00                     </p>
<p>                         Sep 1                     </p>	<p>                         Cash                     </p>	<p>                         110.00                     </p>
<p>                         Sep 15                     </p>	<p>                         Cash                     </p>	<p>                         50.00                     </p>
<p>                         Oct 1                     </p>	<p>                         Cash                     </p>	<p>                         120.00                     </p>
<p>                         Oct 15                     </p>	<p>                         Cash                     </p>	<p>                         60.00                     </p>
<p>                         Nov 1                     </p>	<p>                         Cash                     </p>	<p>                         130.00                     </p>
<p>                         Nov 15                     </p>	<p>                         Cash                     </p>	<p>                         70.00                     </p>
<p>                         Dec 1                     </p>	<p>                         Cash                     </p>	<p>                         140.00                     </p>
<p>                         Dec 15                     </p>	<p>                         Cash                     </p>	<p>                         80.00                     </p>
<p>                         Total                     </p>	<p>                         1911-1912                     </p>	<p>                         1911-1912                     </p>

assistant and he was with me that day.

DR. CRAWFORD: Who was that?

JUDGE MCCANLESS: Dennis Henley. You didn't know Guy Joyner, the sheriff, did you?

DR. CRAWFORD: No, but I know his son, Pat Joyner.

JUDGE MCCANLESS: I don't know him.

DR. CRAWFORD: Guy was a little old to be in my generation.

JUDGE MCCANLESS: I thought so. Well, he said they had had a little meeting. I think Mr. Crump had talked to him, and they thought we had done all right and understood we were going to stay. And he presented me with a pint of whiskey. I thought that was the supreme accolade. (Laughter)

DR. CRAWFORD: About 1944 it would have been!

JUDGE MCCANLESS: Well, yes, it was legal. By that time you see for all the time I was in office I was the whiskey administrator to them, you know.

DR. CRAWFORD: That's right--Finance and Taxation.

JUDGE MCCANLESS: Oh yeah. I didn't enjoy that part of it.

DR. CRAWFORD: Well, did you have the feeling that you were missing much taxes on bootleg liquor?

JUDGE MCCANLESS: Oh yes, they deal you every time, you know.

How are you going to know? You sell the stamps. I think most legal whiskey had the Tennessee stamps. The tax wasn't so high to be prohibitive.

THE UNIVERSITY OF CHICAGO

1890-1891	1891-1892	1892-1893
1893-1894	1894-1895	1895-1896
1896-1897	1897-1898	1898-1899
1899-1900	1900-1901	1901-1902
1902-1903	1903-1904	1904-1905
1905-1906	1906-1907	1907-1908
1908-1909	1909-1910	1910-1911
1911-1912	1912-1913	1913-1914
1914-1915	1915-1916	1916-1917
1917-1918	1918-1919	1919-1920
1920-1921	1921-1922	1922-1923
1923-1924	1924-1925	1925-1926
1926-1927	1927-1928	1928-1929
1929-1930	1930-1931	1931-1932
1932-1933	1933-1934	1934-1935
1935-1936	1936-1937	1937-1938
1938-1939	1939-1940	1940-1941
1941-1942	1942-1943	1943-1944
1944-1945	1945-1946	1946-1947
1947-1948	1948-1949	1949-1950
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1953-1954	1954-1955	1955-1956
1956-1957	1957-1958	1958-1959
1959-1960	1960-1961	1961-1962
1962-1963	1963-1964	1964-1965
1965-1966	1966-1967	1967-1968
1968-1969	1969-1970	1970-1971
1971-1972	1972-1973	1973-1974
1974-1975	1975-1976	1976-1977
1977-1978	1978-1979	1979-1980
1980-1981	1981-1982	1982-1983
1983-1984	1984-1985	1985-1986
1986-1987	1987-1988	1988-1989
1989-1990	1990-1991	1991-1992
1992-1993	1993-1994	1994-1995
1995-1996	1996-1997	1997-1998
1998-1999	1999-2000	2000-2001
2001-2002	2002-2003	2003-2004
2004-2005	2005-2006	2006-2007
2007-2008	2008-2009	2009-2010
2010-2011	2011-2012	2012-2013
2013-2014	2014-2015	2015-2016
2016-2017	2017-2018	2018-2019
2019-2020	2020-2021	2021-2022
2022-2023	2023-2024	2024-2025



DR. CRAWFORD: Not then.

JUDGE MCCANLESS: No. I don't know what it is now.

DR. CRAWFORD: Second highest in the Union, I think now.

JUDGE MCCANLESS: Is it?

DR. CRAWFORD: I've read it is next to Alaska.

JUDGE MCCANLESS: I'm a teetotaler practically. I haven't  
always been. I get along mighty well with-  
out it. Whiskey does a lot of harm. Alcoholism is a disease. If it is  
not controlled it is fatal.

DR. CRAWFORD: They do collect a lot of money on it in  
Tennessee. As far as it is sold legally they  
do.

JUDGE MCCANLESS: I don't know how much evasion there is. My  
grandson, he is living at Huntsville too.  
But separately. He's 23 1/2 years old, Sally's boy. She's divorced  
and he was raised right here in this house. He went to M.I.T. He  
was second in his class over here at M.B.A. He went to M.I.T. two  
years and he wasn't very happy up there, but that doesn't have anything  
to do with it. I sent him because I thought he'd like it and it would  
be good for him--I sent him to Vanderbilt Summer School in Aix in  
France. He had a good time, but as soon as he came back--he hadn't  
been happy at M.I.T. that year. I think he thought he was just too  
much of a statistic. He finished up at Vanderbilt and graduated in  
electrical engineering magna cum laude.

DR. CRAWFORD: And that is what he is doing in Huntsville?

JUDGE MCCANLESS: That's pretty good--it's not the best.



DR. CRAWFORD: It's good enough.

JUDGE MCCANLESS: It's better than his poor old grandfather did. Anyway it looked like he couldn't get settled, you know. He had a job for a while and saved all the money he got. And then he said I am going to Europe. Well, he did. He not only went to Europe, but he stayed seven months! I didn't know what in the world! Even finally after considerable delay he got a grant to work in Germany. You know, I mean in Germany! They don't come easy there. They want their own to work, but he got it. He came on home Christmas. And he thought he would go down to Huntsville to see if he couldn't get a job. There's more going on in Huntsville than there is in Nashville--scientific thing. So he went down there and stayed of his own choice for about three weeks. He came back up here and said that he had been offered a job.

DR. CRAWFORD: With a company down there?

JUDGE MCCANLESS: Yes. Well, I said, "You had better take it."

"Well," he said, "there's another one I am interested in, that I might like better.

And you know he went back and to another job. And what he is doing--he's been there about six weeks--it's a subsidiary for Motorola. You know Motorola made automobile radios is what they started out doing. They make computer components. I saw the place down there. It is sort of an industrial park. It looks more like a college campus. This building he works in doesn't look like a factory at all. It looks like a college or something like a hospital--a beautiful building. He was up

# THEORY OF THE EARTH

BY J. H. VAN DIJK

Translated by J. H. VAN DIJK

Second Edition

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here for Easter and I've got an old radio that was my mother's sister's. He thought it ought to be fixed and he's working on it out in the kitchen.

DR. CRAWFORD: It sounds like if anyone could fix it, an electrical engineer ought to.

JUDGE MCCANLESS: Yes. Well, he is mostly electronics. But let me tell you--I'm not going to mention money, but he is earning more money now--I'm not saying that he is earning it, but he is getting it--than I got until my last term. I mean--in other words--he is earning as much money--more money--than his mother is earning at Middle Tennessee State and more than I earned as Attorney General up until the last term. Is that inflation? There's one other thing: he has a skill that is marketable.

Now, you are liberal arts and I am too, if I was exposed to it. I didn't do well in school, but I was under some great [teachers]--Edwin A. Mims, Walter Clyde Curry, John Crowe Ransome--those people at Vanderbilt when Vanderbilt English Department was at the peak, I guess. I was there, but you can't sell it.

Now Sally, teaching up here at Murfreesboro--history--been up there about twelve years. I believe that she got her job the last year she could have gotten it.

DR. CRAWFORD: Because they just didn't have any after that?

JUDGE MCCANLESS: There aren't any vacancies hardly. You know, I guess the same thing is true in Memphis State.

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96	100	100	100
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99	100	100	100
100	100	100	100

DR. CRAWFORD: I know what you mean, Judge. Partly it is inflation, but not all.

JUDGE MCCANLESS: No, but there is no great demand for the liberal arts.

DR. CRAWFORD: My son who is starting work for a big law firm down there--it's a big law firm--but he is making almost as much money as I am. And he is at his first--well--except for clerk to a federal judge as his first year which he has not finished yet. Partly it is inflation, they get more now and it doesn't mean as much, but times have certainly changed.

JUDGE MCCANLESS: Oh yes, well, when I came over here, I served about a year and a half as Chancellor of the Thirteenth Division up there at home, you see, from 1937. Governor McAlister appointed me from January 1937 to September, 1938. I didn't run. I'm up there in Republican country. No one needed to run. I got \$5,000.

DR. CRAWFORD: For Chancery Judge, then?

JUDGE MCCANLESS: Well, Chancery, Circuit too, Criminal and Trial judges as a course of record got \$5,000. It wasn't taxed by the federal government.

DR. CRAWFORD: I didn't realize that.

JUDGE MCCANLESS: But I came over here (Nashville) to be commissioner and I got \$5,000, but it was taxed, but the tax wasn't much. Think of that--you can't hire a colored porter for that now!





DR. CRAWFORD: No.

JUDGE MCCANLESS: You get food stamps if that is all you've got. When I went to school, we wore shoes called "Friendly Fives" made by Jarman Shoe Company and they cost \$5.00 a pair. The suit that I have on--I would have worn about the same kind of suit with a vest cost \$35.00. I don't know what it would cost now--something like--I don't buy suits often--about \$250.00 I guess.

DR. CRAWFORD: Yes sir. Far more than 35!

JUDGE MCCANLESS: Oh yes. A Coca Cola was a nickel, a hamburger was a dime, if you put tomatoes and onions on it it was fifteen cents. And we lived like that. I was in Vanderbilt and I got a regular allowance of \$100.00 a month for board and you know--expenses. I mean you got along all right. I think about it now.

DR. CRAWFORD: It wouldn't work now!

JUDGE MCCANLESS : What is the tuition at Vanderbilt. You've got a boy and you are paying it?

DR. CRAWFORD: I don't know exactly, but I think it is around \$6,000, Judge.

JUDGE MCCANLESS: I think it is more than that.

DR. CRAWFORD: It might be. It goes up every year, I am probably behind.

JUDGE MCCANLESS: It has gone up.

DR. CRAWFORD: It has gone up for next year, I do know that.

JUDGE MCCANLESS: Well, that might be what I was thinking about. I remember W.D. "Pete" Hudson was on the



Public Service Commission and was County Judge up in Montgomery County. He was a wealthy man, had made a lot of money and then went back to the First World War and then wanted to be in this next one. I remember he came by to see me right after he got back from the First World War--I mean second World War--and he said he believed that the American dollar would soon be worth about the British schilling which was about a quarter. Well, he was conservative in his prediction.

DR. CRAWFORD: Yes, he was. It took a while, but it happened.

JUDGE MCCANLESS: I don't know, but I believe that a dollar say, before this last World War--Second World War--is about the purchasing power of the present dollar is about the same as a dime. I believe that is about it.

DR. CRAWFORD: I would guess so.

JUDGE MCCANLESS: I remember when I was practicing law up there at home and go to the bank and kept up with business pretty well. Somebody that was worth \$15,000 was pretty well off. You didn't have to worry about them.

DR. CRAWFORD: Now it is different.

JUDGE MCCANLESS: You don't have anything.

DR. CRAWFORD: Judges' salaries are better now than they were.

JUDGE MCCANLESS: Judges' salaries are fine. I don't know what they get.

DR. CRAWFORD: In Tennessee I think it is around \$60,000.

1870-1871  
The first year of the  
new century  
The first year of the  
new century  
The first year of the  
new century

1872-1873  
The second year of the  
new century  
The second year of the  
new century  
The second year of the  
new century

1874-1875  
The third year of the  
new century  
The third year of the  
new century  
The third year of the  
new century

JUDGE MCCANLESS: I think the appellate judges get around \$60,000. Trial judges a little less or something like that.

DR. CRAWFORD: Well, let's see, you were in private practice now through this remainder of the term of Jim McCord?

JUDGE MCCANLESS: That's right.

DR. CRAWFORD: As he was defeated and Governor Browning came in, did you have any relationship with government in Browning's second administration?

JUDGE MCCANLESS: No. I was elected Attorney General in September. I've forgotten that date.

Toward the end of 1954.

DR. CRAWFORD: Frank Clement administration.

JUDGE MCCANLESS: Frank Clement had been in office for about a year and a half it seems. He had defeated Governor Browning. All the time I was Attorney General which as you said was a long time, I dealt with only two governors--Frank Clement and Buford Ellington.

DR. CRAWFORD: That's right, you were in for the whole period from Clement's second term.

JUDGE MCCANLESS: Well, I was there during part of his first term.

DR. CRAWFORD: That's right, the campaign was in the summer of...



JUDGE MCCANLESS: Well, he took office in January of 1953.

DR. CRAWFORD: And he was inaugurated the second time in '55.

JUDGE MCCANLESS: That's right.

DR. CRAWFORD: So you were there during the first one.

JUDGE MCCANLESS: Only part of it--just a few months.

DR. CRAWFORD: You served in every administration of Clement and Ellington and at least in some capacity?

JUDGE MCCANLESS: Prior to the first one of Governor Clement-- a few months--about four months we'll say.

And all the rest of his and Buford Ellington's. And I was fortunate. We understood each other. If I made a mistake, well, they handled it privately with me and if they made one I handled it privately with them. That is, I mean, we worked together.

DR. CRAWFORD: Of course, Clement was a lawyer, but Buford Ellington was not.

JUDGE MCCANLESS: No, Ellington wasn't. I thought perhaps if he was he might not have appointed me to the Supreme Court, but he didn't know. (Laughter) That was right interesting. I had talked to Judge Burnett at the Judicial Conference in Gatlinburg in June I believe. He told me he was going to retire, but I didn't know when. Sometimes people would say they were going to retire and they don't right away. In just a few days there was a rumor on the





radio one night that he was going to retire. I still wasn't sure. I always went to my office in the Supreme Court Building pretty early. I'd get there and sort of pull myself together before things started. Sometimes they didn't start, but sometimes they did with a bang and hadn't any more gotten in there than I got a call that the governor wanted to see me. Actually I never made appointments with Governor Ellington. He got to his office about a quarter after seven. He was a country man you know. If I wanted to see him I went up there, and could see him. If he wanted me, he called me. The secretary called me and said to come and see him and I said, "All right."

He pitched a letter across the table to me. It was Hamilton Burnett's resignation. He says, "You can have it if you want it."

DR. CRAWFORD: He already made his mind up about that?

JUDGE MCCANLESS: I don't know. He said, "You can have it if you want it." Well, I had five years left in the Attorney General's office. I suppose you might say I had had enough. And then I was flattered you know.

I said, "Well, I'll have to ask Sarah about it you know."

He said, "Let me know as soon as you can."

I said, "All right. I'll call her up. This will be good for a year and I don't have to run for it."

She said, "Take it."

I said, "All right." I wouldn't have done it if she had said not to at first...

DR. CRAWFORD: So you gave up a long term job for just a

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year.

JUDGE MCCANLESS: I gave up five years for one year. Then there was one more I went to see--Miss Alena McCloud. She had been Judge Diehl's secretary and Judge Verdicks' and asked her if she could stay with me. She said she would. So I called the governor and told him that I would do my best.

DR. CRAWFORD: When did the newspapers find out? Did the governor's office release that?

JUDGE MCCANLESS: That day I guess. I don't remember any ringing applause. (Laughter) Anyway, it was a new experience for me. It was a lot different from being Attorney General. I enjoyed the Attorney General's Office very much. I tried always to get the best people I could in the office. They have an enormous office now--30-odd people now while I had--I inherited seven assistants and kept them and added a few later on. I had to. The office was interesting--you see a lot of people. There's a certain restraint when you are on the Court. You have to be more circumspect, more discreet, and a little bit aloof, and it is a hard job. It's hard. It's hard for me. (Laughter)

DR. CRAWFORD: Well, you were more used to a more active position.

JUDGE MCCANLESS: Well, you saw people more, you see. Saw people more. I enjoyed that office a lot. I enjoyed being on the Court.

DR. CRAWFORD: Sounds to me as if you enjoyed the State Attorney's Office better.

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PHYSICS DEPARTMENT

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JUDGE MCCANLESS: But I shouldn't be suprised if I didn't.

I think I did. But then it was a good experience to have had both. I was home when a second cousin of mine said, "Why are you going to retire for, you're in good health?"

I said, "For one of the best of reasons--my term will expire."

(Laughter)

DR. CRAWFORD: In public service that is a good reason.

JUDGE MCCANLESS: That's a good reason. I could retire gracefully. Of course, there's a little bit of restraint under retirementship. You have to serve if you are called on. I don't think that the Chief Justice has ever insisted that anybody serve as special judge unless he wanted to. But I've gone. I went in January. I went to Knoxville and heard some cases with them on the Court of Appeals.

DR. CRAWFORD: Now and then they do need someone, don't they? Well, Judge you worked with both Governor Ellington and Governor Clement. How would you compare the two in their relations with your office?

JUDGE MCCANLESS: Perfect. Both of them.

DR. CRAWFORD: Even though one was a lawyer and one was not.

JUDGE MCCANLESS: Oh, but we got along fine. There was never any trouble between their office. There was no reason for there to be any. I was dealing with two sincere men and my office was run on that sort of basis--always has been.



DR. CRAWFORD: All were Democrats then.

JUDGE MCCANLESS: Well, I don't know if that would have made any difference. I never regarded the Attorney General's Office as a part of a political office anyway. I was always happy and still am that that office (the incumbent) is elected by the Supreme Court. He doesn't have to go all over the state running for it and collecting campaign money. I knew some people--I knew three attorney generals. The Arkansas man died just before he was convicted. Louisiana and Alabama both went to penitentiaries on account of some wrong-doing they did. I think they were subjected to temptation of the sort that I was not subjected to.

DR. CRAWFORD: Who followed you as attorney general?

JUDGE MCCANLESS: Don't ask me a question about that! Let's see, who followed me?

DR. CRAWFORD: Uh-huh.

JUDGE MCCANLESS: David Pack.

DR. CRAWFORD: Yes.

JUDGE MCCANLESS: David got all worked up and thought he ought to be governor.

DR. CRAWFORD: I remember his running.

JUDGE MCCANLESS: He didn't do well at all. And then he resigned.

DR. CRAWFORD: In '72 or '74? In '74, I believe.

JUDGE MCCANLESS: When he resigned to run for governor, Milton Rice succeeded him.

DR. CRAWFORD: And Leech is the attorney general now.





JUDGE MCCANLESS: Yes.

DR. CRAWFORD: He has a different attitude toward the office from yours. He has a large staff of course. It's like a big law firm now.

JUDGE MCCANLESS: I suppose anybody is going to have a different attitude than somebody else. I suppose I was greatly impressed by the detachment from partisan politics of the office. It didn't matter who was going to be governor or who wasn't, whether they were a Republican or a Democrat; it wasn't going to make any difference. Well, it wasn't so much Democrat or Republican or whether somebody was on our side as we used to say. My side was the Crump-McKellar group. They were the ones I had always politicked with even as a very young fellow.

The Browning Group--Lew Pope and all those folks before that--they were the other side. You didn't pay much attention to Republicans--you didn't have to.

DR. CRAWFORD: Not in those days.

JUDGE MCCANLESS: No, but in the legislature back there when I was Commissioner, they would assign me to work with the Republicans. I could get along with them pretty well. You see in practicing law in upper East Tennessee, if you don't have a few Republican clients you are going out of business. I had some. I don't know when you are as old as I am and getting a bit away from the thing you look back you think you might have done things differently. But I enjoyed it.



DR. CRAWFORD: I suspect you enjoyed all of it.

JUDGE MCCANLESS: Not all of it. I didn't enjoy Baker v. Carr. I lost that lawsuit.

DR. CRAWFORD: Yes, that's true.

JUDGE MCCANLESS: I don't like to lose lawsuits. (Laughter) Joe Carr died a few months ago.

DR. CRAWFORD: I'm glad I talked to him first.

JUDGE MCCANLESS: Joe was a friend of mine. In fact, in recent years he and I would have lunch together now and then and drive out some place. Joe was. . . he spent his life not making enemies you know. (Laughter) Baker v. Carr just happened that the Secretary of State was the first named defendant. The second named defendant was the Attorney General. But it was Baker against Carr.

DR. CRAWFORD: Not McCanless?

JUDGE MCCANLESS: Yes. When I would go to these national associations for attorney generals [they would ask], "What kind of a damn fellow is this Carr?" Liberals, you know, like Joe, had actually. . . We never even consulted Joe about the lawsuit. I mean we decided what we were trying to do. We spoke to the Governor about it a little you know.

DR. CRAWFORD: Well, it's one for the books now!

JUDGE MCCANLESS: I don't know. It was sort of a mixed evil. And benefits. . . it's been overdone.

1. The first part of the paper discusses the importance of the study.

2. The second part of the paper discusses the methodology used.

3. The third part of the paper discusses the results of the study.

4. The fourth part of the paper discusses the conclusions of the study.

5. The fifth part of the paper discusses the implications of the study.

6. The sixth part of the paper discusses the limitations of the study.

7. The seventh part of the paper discusses the future research.

8. The eighth part of the paper discusses the acknowledgments.

9. The ninth part of the paper discusses the references.

10. The tenth part of the paper discusses the appendices.

11. The eleventh part of the paper discusses the index.

12. The twelfth part of the paper discusses the glossary.

13. The thirteenth part of the paper discusses the bibliography.

14. The fourteenth part of the paper discusses the list of figures.

15. The fifteenth part of the paper discusses the list of tables.

16. The sixteenth part of the paper discusses the list of abbreviations.

I believe that Baker v. Carr has been overly construed. I don't think that it ever meant that you had to cut the divide as accurately as some of the legislative people seemed to feel that you had to. I don't think it is necessary. You ought to be allowed a certain amount of practical freedom--county lines and that sort of thing. I don't know, but I am out of it now. We got beaten.

DR. CRAWFORD: Yes, that's one in the history books now--  
Baker v. Carr.

JUDGE MCCANLESS: Well, that first one, that first case we won. I've forgotten the name of it now.

I remember, I didn't mean to be a prophet, but I said, "They are going to get to us sometime." It was too bad. Some of these Middle Tennessee counties, Wilson County and some other county had a senator and up there where I live it took about six counties to have a senator. I was wrong.

DR. CRAWFORD: Which of the two did you know best: Mr. Crump or Senator McKellar?

JUDGE MCCANLESS: I didn't know either of them much. I had met each one of them. I think I saw or spoke to Mr. Crump on two occasions and Senator McKellar, I didn't know him.

DR. CRAWFORD: He was older at the time and in Washington a lot of course.

JUDGE MCCANLESS: He was in Washington practically all the time. Probably why he was beaten I guess.

I had an interesting experience, I had never been to Memphis until I was



appointed Commissioner. Well, I went to Memphis the first occasion I had. We had an office there, you know, in the Sterick Building. I went to Memphis one time to meet Mr. Crump. I thought I ought to. Mr. Charles M. Bryan said he'd take me so we went around there. I went to Mr. Crump's office and he wasn't in and I didn't see him. The next time I went to Memphis I got Will Gerber to take me to meet Mr. Crump. And Mr. Crump was in his office. He had a wonderful mind--there's no question about that. You could just feel that strength. I guess he knew all about me before I got there.

DR. CRAWFORD: I suspect he did.

JUDGE MCCANLESS: And he asked me about the Tomlinson family.

My father had represented the Tomlinsons at Tate Springs and he asked about the different names, you know and the Kanes. His cousin, Mr. Crump had married Miss Kane and she happened to be a close friend of my aunt and they lived close by on the adjoining farm right near the edge of town. He discussed the Kane family with me. I knew them. The older people were older than my parents. We talked about them. You would have thought he was an old settler from Morristown like I am and been away for twenty-five years. He was asking about those people. I didn't stay long. I got up and told him, "Good-bye." And he said, "Mr. McCanless, beware of the Greeks." He said, "Do you know to what I refer?"

"Yes sir," I said, "You mean those who come bearing gifts?"

He said, "Yes." (Laughter)

That was the conversation.

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DR. CRAWFORD: Well, the Trojan War, I'm not sure what he was talking about, but...

JUDGE MCCANLESS: Well, I can't remember the thing exactly but I remember that old saying. And what he was telling me was, 'Be careful what people give you, you know.' Accepting favors.

DR. CRAWFORD: Uh-huh. Well, considering what happened to attorney generals in other states, you can see the situation.

JUDGE MCCANLESS: I never had anybody offer me bribes. But I've had people offer to take me to the World Series at no expense and take me this place and that. Well, I've had a few meals that didn't cost me anything. But I was awful careful not to let it go too far. Some people are not careful. They don't mean to accept bribes. It's not that, but they allow people to curry favor with them. You don't need to do that. You don't care if you are a good fellow or not. You want to do the job.

I remember back there when there was a Southern Governor's Conference in progress in the Andrew Jackson Hotel. We discovered that one of my men had stolen something less than \$100. He was an inspector. I had to tell Cooper. I hadn't been in office a year I guess, (whistling sound) I hated to tell him. I told him and I got him out of that Southern Governor's Conference.

Well he said, "What did you do?"

I said, "I got the money back, and fired the fellow."

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He said, "Well, what else could you have done?"

I said, I don't think anything." (Laughter)

DR. CRAWFORD: Well, he didn't lose his temper that time?

JUDGE MCCANLESS: (Laughter) No, no. There was another time that (I am not going to call any names) but a man in a responsible place--in a very responsible place, was short in his accounts--several thousand dollars. I had to go and tell him. I told him [the Governor] up at his office.

He said, "What salary does he make?" He didn't make what he ought to have been paid. I knew that. He said, "Do we have to collect it?"

I said, "Yes, he has a bond."

[He said] "Go collect it."

And I did. But he didn't confuse me like he might have. (Laughter) In about a week I had to go back about something else. He didn't have anything on me that he could hold onto or use as an excuse. And as I walked out, he said, "And don't let me hear anymore about any more damn stealing down in your office anymore." (Laughter)

DR. CRAWFORD: I think some people didn't look forward to meetings with Prentice Cooper!

JUDGE MCCANLESS: I don't think any of us did. I never went up there unless I had to. He was difficult.

I was at a Scottish Rite meeting and I was sitting next to Jack Norman and he was telling about something he had to deal with Cooper about and he was just thinking about how to approach him. I tried to think up two or



three things that were important that I could spring first and try him out and if they turned out all right...the main thing--why that's the main thing. I'd repeat sometimes and he would turn me down and I'd go back in a week or two and spring the same thing. I was playing games with him and I think he knew it. He was smarter than I was. He was something--but he was a great governor and he was!

DR. CRAWFORD: Well, he was an honest governor.

JUDGE MCCANLESS: He was not only honest, but he was a man of fine vision and I would have to say that he was conservative. He was irascible to such an extent that I think he handicapped himself.

DR. CRAWFORD: I believe one reporter described him as "the meanest tempered man who ever held the office of Governor of Tennessee." (Laughter)

JUDGE MCCANLESS: Oh, I don't know. But you know that he and I were friends. I counted it up after he had left. I remember about three or four days before he was to go out of office, I went up to see him. He wanted me to put a woman on a toll bridge as a toll collector on one of the bridges across the Tennessee River, and I didn't want to do it. Because you would have to work at night on a night shift. I didn't want to do it. And if she didn't work the night shift it would be an imposition on the other collectors. I remember saying to him, "Now frankly, for six years I have done whatever you wanted me to do, and if you say to put the woman on, I'll do it."

"No," [he said] "don't put her on."



I mean, you know, he was... One time he said, it was early in the year, he said he'd given up in his new year's resolution that he'd decided to give up profanity and my conduct was such that he couldn't. (Laughter)

DR. CRAWFORD: Maybe he was commissioner of [rhetoric].

(Laughter)

JUDGE MCCANLESS: There were a lot of things like that that were humorous to me. But I counted it up and I was with him nearly six years and he gave me a "dressing down" about six times is all--once a year--which wasn't bad. And the fact that there were ten of us commissioners and we were just as close as we could be. We'd talk it over and I kept Phillips in my office one day all afternoon--Phillips was about to resign.

DR. CRAWFORD: Which Commissioner was he, sir?

JUDGE MCCANLESS: Highway. He told me afterwards. Phillips is dead. But he came to see me when I was Attorney General. He said I kept him from going. I don't know that I did, he thought I did. And he kept me from leaving once--though I maybe wouldn't have left--I thought I was. Most of us stayed on. And he and I were friends right to the last.

We had to condemn a right of way on that road from Shelbyville to Wartrace and we ran over a parking lot of his--at a grocery store. We took the parking lot and Jim Bomar was handling it for us. Jim compromised it for about \$6,000. We were pretty careful about it cause Cooper being Cooper, we didn't want to do him any favors. We wanted to handle the thing in a way that was right. But I got a letter from Jim Bomar telling

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me that they had settled it. That day I was in the Board of Claims, I came back about noon. My secretary said that Governor Cooper had been to see me. I said, "I'm sorry that I missed him."

I went to lunch and came back and here came Cooper and wanted his money.

"Well, now," I said, "Governor, you know how these things work. The Attorney General's is a very influential office and I am the Attorney General, but they never have given me the authority to draw drafts on the Treasury. I can't pay you, but I'll do everything I can to expedite payment."

Well, if you have any experience trying to get money out of the treasury you know that a week is pretty fast. Well, we got that check in about a week. They have to go through channels you know. Before that week was up, Cooper was in to see me again, he was over at the Highway Department, acting fairly unpleasant as about to kick the deal over, wanting interest for his money. (Laughter)

But he used to come to see me pretty often. He'd just come in for a visit.

DR. CRAWFORD: Well, I'm glad your language was good. I wouldn't want you to have taught that parrot anything bad.

JUDGE MCCANLESS: Well, that was Jackson (the highway trooper) and the parrot, Laura. Well, they [The Tennessean] made a lot out of it. They took a picture and superimposed a parrot picture on his cork on his [the Governor's] shoulder. Well, he

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had the parrot--it wasn't anything! But Joe Hatcher and The Tennessean they could. . .so they played up that parrot business like there was something odd about a man that had a parrot. That you wouldn't want to have anything to do with him. Cooper was a good man.

By the way, his son is running for Congress.

DR. CRAWFORD: Jim, is it?

JUDGE MCCANLESS: Yes, Jim. I understand he has made a good impression all around.

DR. CRAWFORD: He is running against Howard Baker's daughter, I believe.

JUDGE MCCANLESS: No, he is running in the Democratic Primary and Howard Baker's daughter is running in the Republican Primary in the same district. If they should both be nominated they will run against each other in November.

DR. CRAWFORD: General Election if. . .

JUDGE MCCANLESS: That is a strange district--it runs all the way from Hancock County taking in my own county of Hamblen and goes all the way down to Lawrence County.

DR. CRAWFORD: Well, that is an example of gerrymandering, isn't it?

JUDGE MCCANLESS: I don't know the purpose of it, but I guess it is. I don't know who might get an advantage. I suppose the people who are representatives and are not included in the long shoestring are the ones that are getting advantages--getting rid of something. I don't know. I don't know.

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DIVISION OF THE PHYSICAL SCIENCES  
DEPARTMENT OF CHEMISTRY  
530 CHICAGO HALL  
CHICAGO, ILL. 60637  
U.S.A.  
TEL. (312) 937-1311  
FAX (312) 937-1311  
E-MAIL: [chem@uchicago.edu](mailto:chem@uchicago.edu)  
WWW: <http://www.uchicago.edu/chem>  
CHICAGO, ILL. 60637  
U.S.A.  
TEL. (312) 937-1311  
FAX (312) 937-1311  
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How is your boy getting along at Vanderbilt Law School? All right?

DR. CRAWFORD: Yes sir. He's passing. I don't know much about their grading system, but he is passing.

JUDGE MCCANLESS: Well, I don't know much, but I think it is a great law school.

DR. CRAWFORD: I was very pleased with it.

JUDGE MCCANLESS: I am pro-Vanderbilt. I mean I can't help this.

DR. CRAWFORD: Well, I think you have a good reason to be.

JUDGE MCCANLESS: I've got a little button--50 year button-- every time I have occasion to go down to the University, which isn't often, I put that button on.









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